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## OVERVIEW OF THE ANNUAL REPORT ON SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES

Walter E. (Ted) Carter

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OVERVIEW OF THE ANNUAL REPORT ON  
SEXUAL HARASSMENT AND VIOLENCE  
AT THE MILITARY SERVICE ACADEMIES

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HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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HEARING HELD

MAY 2, 2017

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OVERVIEW OF THE ANNUAL REPORT ON SEXUAL HARASSMENT AND VIOLENCE AT THE  
MILITARY SERVICE ACADEMIES

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House of Representatives,  
Committee on Armed Services,  
Subcommittee on Military Personnel,  
Washington, DC, Tuesday, May 2, 2017.

The subcommittee met, pursuant to call, at 3:34 p.m., in room 2118, Rayburn House Office Building, Hon. Mike Coffman (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. MIKE COFFMAN, A REPRESENTATIVE FROM  
COLORADO, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. Coffman. This hearing is called to order. I want to welcome everyone to this afternoon's Military Personnel Subcommittee hearing. The purpose of today's hearing is to receive an overview of the annual report on sexual assessment. I am sorry, Annual Report on Sexual Harassment and Violence at the Military Service Academies, and to understand the ongoing efforts the academies have undertaken to prevent sexual assault.

We will also have the privilege of hearing from survivors of sexual assault who were assaulted while attending a service academy, and we thank them for being here today.

The Nation and the military continue to battle the scourge of sexual assault. These despicable crimes cause deep and enduring suffering to the victims and their families and violate our fundamental values. When these crimes occur in the military, the effects can be even more damaging. Service members must have absolute trust and confidence in their fellow service members in order to accomplish their difficult mission.

Cadets and midshipmen at the military service academies are

told from the beginning of their tenure that the only way to succeed at the Academy is to work as a team, and place their trust in each other. But when a cadet takes advantage of that trust in order to assault another, the sense of betrayal is profound, and the impact is often felt by the victim and the entire unit. These crimes have no place in our society, much less in our preeminent military service academies.

Over the last several years, the military service academies have dedicated numerous resources and time to improving sexual assault prevention and response. The service academies have integrated sexual assault prevention and values-based training into nearly every aspect of their curriculum, ensuring that the military's future officers internalize the military's values before being commissioned.

In addition, the service academies have worked hard to ensure that all allegations are thoroughly investigated and perpetrators are held accountable, while also ensuring survivors of sexual assault have access to vital resources.

Despite all these efforts, there remains much work to be done. This year's report shows that prevalence rates have increased at all service academies, while reports of sexual assaults have decreased at one of the service academies. In addition, the significant prevalence of sexual harassment, a data point that is new to the survey, shows that additional work is needed.

We will hear from two panels this afternoon. In panel one, we are honored to have with us survivors of sexual assault. I want to thank the witnesses for their bravery in testifying today, and I appreciate how difficult it is to talk about this subject. Your testimony will give all of us important insights into how the service academies in the military can improve sexual assault prevention and response.

In our second panel, we will hear from the Department of Defense and the superintendents of the military service academies. I look forward to hearing their views on the results of the sexual assault report, and I also look forward to hearing about the new and existing programs at the service academies designed to prevent sexual assault.

Before I introduce our first panel, let me offer the ranking member, Ms. Speier, an opportunity to make her opening remarks.

[The prepared statement of Mr. Coffman can be found in the Appendix on page 61.]

STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Ms. Speier. Mr. Chairman, thank you, and thank all of you who will be participating in this hearing. I would like to ask unanimous consent that a document from Lieutenant Colonel Elizabeth Walker, legislative counsel for the investigations and legislative division of the Army Office of Chief Legislative Liaison be admitted into the record.

Mr. Coffman. Any objection? So ordered.

[The information referred to can be found in the Appendix on page 115.]

Ms. Speier. Thank you. Mr. Chairman, I thank you for

holding this hearing. This is an issue that I care deeply about. Sexual assault in our military and military service academies is a scourge on our Nation.

We depend on our academies to attract and develop our Nation's future leaders. Even one sexual assault against these patriotic young individuals is too many, and we all know that the numbers of assault are far more than that.

But women and men are victimized by sexual assault--both women and men are victimized by sexual assault and harassment at the service academies, creating a toxic culture that follows these students straight into military leadership. Survivors of sexual assault often leave the academies under their own volition, or are forced out, depriving our military of future leaders. Perpetrators of these heinous acts often go unpunished, graduate, reinforcing this criminal and abhorrent behavior. This also emboldens them to continue to assault their fellow service members as they ascend up the ranks.

In order to break the cycle, we need strong reforms to make clear that this behavior is not tolerated. In fact, the only result in cases like this should be dismissal.

Military leadership for literally decades has testified that they are of one mind, that they have zero tolerance for sexual assault. The tens of thousands of survivors of these heinous acts, subsequent retaliation, at times, ineptitude of their chain of command, makes a mockery of this stated policy.

Words alone are just words. If we have any hope of stamping out the systemic issue of sexual assault in our ranks, the tone must be set at the academies. This isn't just about right and wrong, but being able to attract the very best to serve, and the readiness and unit cohesion within our fighting force. Nothing short of the future of our military depends on us getting this right.

The Department of Defense Annual Report on Sexual Assault and Harassment in the Service Academies for Academic Years 2015-2016 show a complete failure in addressing this epidemic. Twelve percent of women in the academies experience sexual assault; 12 percent. And nearly one-half, one-half, face persistent sexual harassment. Simply put, this is disgusting.

Since the last report in 2014, fewer students at the service academies have reported sexual assault and harassment, but the estimated rates of unwanted sexual conduct have increased. Both of these are trending in the wrong direction.

One reason could be the ostracism of sexual assault victims. Forty-seven percent of those who reported the unwanted sexual contact experienced social isolation and maltreatment. We must foster an environment at the service academies in which students who have been sexually assaulted or harassed feel like they can come forward without fear of retaliation.

I would like to hear from our second panel of witnesses today on steps they are taking to reverse these disturbing trends to ensure that young cadets and midshipmen enter the military ranks as leaders who bring a culture of respect and dignity to their service.

But before we hear from the service academies and the Department of Defense, I want to welcome the courageous survivors who are testifying on our first panel. Annie Kendzior attended the United States Naval Academy from 2009 to 2011;

Midshipman Second Class Sheila Craine currently attends the U.S. Naval Academy; and Stephanie Gross and Ariana Bullard are former cadets at the U.S. Military Academy at West Point.

Some of the stories you will hear today are heartbreaking and revolting. These cadets and midshipmen did nothing wrong by reporting their assaults, and yet, their chain of command failed them, and the chain of command that was supposed to actually protect them, failed.

We cannot tolerate this lack of accountability in our country's most prestigious military institutions. I look forward to hearing from our witnesses today, and I yield back, Mr. Chairman.

Mr. Coffman. Thank you, Ms. Speier. I ask unanimous consent that nonsubcommittee members be allowed to participate in today's hearing after all subcommittee members have had an opportunity to ask questions.

Is there objection?

Without objection, nonsubcommittee members will be recognized at the appropriate time for 5 minutes.

We will give each witness the opportunity to present his or her testimony, and each member an opportunity to question the witnesses for 5 minutes. We would also respectfully remind the witnesses to summarize, to the greatest extent possible, the high points of your written testimony in 5 minutes or less.

Your written comments and statements will be made part of the hearing record. Let me welcome our first panel, Midshipman Second Class Sheila Craine, United States Naval Academy; Ms. Ariana Bullard--did I say it right?

Ms. Bullard. Bullard.

Mr. Coffman. Bullard, former cadet at the United States Military Academy; Ms. Stephanie Gross, former cadet at the United States Military Academy; Ms. Annie Kendzior, former midshipman at the United States Naval Academy.

With that, Midshipman Second Class Craine, you may now make your opening remarks.

STATEMENT OF MIDSHIPMAN SECOND CLASS SHEILA CRAINE, UNITED STATES NAVAL ACADEMY

Ms. Craine. Thank you, ladies and gentlemen. Thank you for allowing me this opportunity to speak of my experiences through this process.

I am here as an individual and do not represent the views or opinions of the United States Naval Academy. In the spring semester of my freshman year, I had experienced unwanted sexual contact. In the fall semester of my sophomore year, I filed an unrestricted report about the incident through the SAPR [Sexual Assault Prevention and Response] office, of course.

I was overwhelmed by the support I received by the faculty and staff at the Naval Academy. The case concluded in the fall of 2016. The individual was dismissed and is no longer a midshipman at the United States Naval Academy.

Though the whole process was difficult, I am confident in saying that the resources that were, and still are provided to me, helped me through the healing process to this day. Thank you.

Mr. Coffman. Ms. Bullard, you are now recognized for 5

minutes.

STATEMENT OF ARIANA BULLARD

Ms. Bullard. Hello. My name is Ariana Bullard. I am a former cadet of the United States Military Academy. I attended West Point from July 2013 until I was honorably discharged in 2015, when I went on to attend The Ohio State University.

First off, I would like to thank Congresswoman Speier and her staff for having me here. I left West Point the day I was discharged from the hospital suffering from stress-induced high blood pressure. I found that all my belongings had been packed without my knowledge. In the cold of January, I was only left with a pair of shorts, a jacket, and sandals for my return home to Indiana. I was only then escorted onto the plane by two MPs [military police] because my ID was shipped off with my belongings.

As soon as I boarded the plane, I was escorted off by those MPs and was told that the captain who had been retaliating against me wanted to speak to me. He asked me if I wanted to return to the Thayer Hotel. I replied that I wanted to stay, but was confused at what he meant, as I had no money to pay for it or clothing. He hung up and took my answer as a no.

After I landed, I received a call from Sue Fulton on the Board of Visitors from West Point asking why I said no to General Caslen asking me if I wanted to stay a cadet at the Academy. I realized only then why I received a convoluted call from the captain. If I had known, my answer would have been yes.

Despite all that had happened to me, I would rather have stayed than been forced out of West Point. I was recruited to West Point to be on the swim team, where I consistently experienced racial and sexual harassment.

My ex-boyfriend, who was Caucasian, was called Django, referring to the movie, ``Django Unchained,`` solely because he was in a relationship with me. I was told later by a captain on the men's team and a colonel that nicknames were a tradition on the men's team.

In December, the team went to Puerto Rico, where members of the swim team made lewd remarks about my body, how my bathing suit fit, and talked openly about having sex with me. I protested this treatment to my coaches and faced escalating reprisal as a result. A team was supposed to be a group of individuals with a set of skills required to complete a task. If we are not simply able to swim together, how are we able to fight together to defend this country?

The head coach further went on to punish me by forcing me to practice alone for 2 weeks before our biggest championship meet, the Patriot League.

The assistant coach, as a result, decided to take it upon himself to make sure I was properly trained. Every day I practiced an hour before the rest of the team, only to have them ostracize me more because a few thought I was given special treatment.

At the Patriot League, I broke multiple League and Army records, resulting in winning the Rookie of the Meet. That day, the Navy vice admiral shook my hand in congratulations and said

to me: ``Tell Caslen, Army won this time.'' However, I no longer felt a part of the Army team, so I swam with anger just to prove a point that no one could bring me down, and that day they didn't.

We were taught in basic, and in the Army in general, to always protect your battle buddy, never leave them behind. Then how come I was left behind?

In March 2014, the Equal Opportunity Office substantiated my case of racial discrimination. I also filed a complaint with the SHARP [Sexual Harassment/Assault Response and Prevention] office, where in November 2014 the complaint was substantiated as harassment but not sexual harassment.

I then became friends with Cadet Gross. During her second assault case, I was present when a drunk cadet burst into her room. As curfew rolled around, I had to return to my room expecting the cadet, taking accountability, would remove him.

A short while later, Cadet Gross called me and was hysterical. I immediately went to her room and saw the distraught and battered state that she was in. With new bruises forming on her neck and chest, she told me repeatedly she would never report again, as no one would believe her, that she had no faith she would be taken care of.

Still having trust in the system, I urged her to report. I told her that we needed to do this for others after us. Even though I was left behind, I refused to do the same to her. We needed to set an example.

However, the system failed once again as my friend and I was retaliated against repeatedly. I was forbidden to accompany her to the hospital, and was prohibited from socializing with her and forced to sign a confidentiality form stating I would not discuss her case with anyone. I was subjected to arbitrary discipline and filed a whistleblower reprisal complaint. Excuse me. Eventually, in January 2015, I felt I had no option but to resign.

Although the processing of resignation normally takes a month or so, mine was expedited to 1 day, and to my detriment. I collapsed in the barracks and was admitted to the hospital suffering from that high blood pressure by stress.

When Stephanie tried to visit me in the hospital, she was confronted by her command and told that the only way she could remain in the hospital with me was if she admitted herself for a psychiatric evaluation. The command made clear that I was to be punished by being isolated during a time of great fear and uncertainty.

I wrote a resignation letter in January 2015. This is the letter I submitted to General Caslen, which all levels of leadership must read and sign. In that letter, I write, ``I don't want to be in a place that allows perpetrators to remain in their ranks. I don't believe in double standards. West Point's honor code is abided by the cadets. However, a few officers themselves aren't held to the same standard of the honor code or aren't held at all. I resign because that is all I can do because that is what I am forced to do to protect my own well-being and goals considering all these issues.''

General Caslen, I spoke with you before leaving West Point. In that 3-hour discussion, you told me you believed I would be a great leader and asset to the Army. Though you told me you

did not want to sign my resignation, you handed me a resignation, and I asked you if there would be any change if I stayed. You remained silent.

Instead, the numbers of reports have doubled since I have last been at West Point. Two years ago, Congress asked why we were here, and the answer was to help the Academy and to prevent what happened to us from other cadets. After 2 years, we are back here again, and our answer to that question hasn't changed. I hope we can come up with a solution that will mend the system that desperately needs fixed for the sake of our future cadets and officers.

With the support of Congresswoman Speier, I would like to return to the Academy to complete what I started. I believe I can be an asset to other female cadets, and I take General Caslen at his word when he said to me that I could be a great leader and officer in the United States military. Thank you.

Mr. Coffman. Thank you, Ms. Bullard.

Ms. Gross, you are now recognized for 5 minutes.

#### STATEMENT OF STEPHANIE GROSS

Ms. Gross. Thank you, sir. Hello. My name is Stephanie Gross. I am a former cadet of the United States Military Academy as well. I would like to first thank Congresswoman Speier's office and her staff for extending an invitation to testify before you today regarding my time as a cadet at West Point.

In truth, I still have a great love for West Point, and I respect and admire the training program for our Nation's future leaders. I entered West Point at 18 years old with the class of 2016 on July 2, 2012. I was honorably discharged on February 13, 2015.

Over the 2 years, 8 months of being at West Point, I was switched between companies a total of four times, compared to once for most cadets. Because of this, I had little stability and leadership during my time there, and this contributed greatly to my difficulties at West Point.

My first sexual assault at West Point was reported by medical personnel in the spring of my freshman year at the Academy. I was in the hospital recovering from an emergency pelvic surgery that was found to be related to the assault. My surgeon advised me, when he walked in, that he was unsure, due to the inflammation and potential for scarring, if I would ever be able to bear children. I later broke down to a nurse, and thus, my restricted report was initiated.

I felt reporting would only cause further damage emotionally, and I requested my report remain restricted without investigation. My case was later reported by my commander as he became aware of the incident, and legally had to report via the unrestricted route.

The next day, the SARC [Sexual Assault Response Coordinator] office pressured me for a name, telling me that if I was a strong woman, with duty and honor, I would comply. I, again, resisted.

At this time, in 2013, USMA [United States Military Academy] had not yet embraced special victims' attorneys, and I was without legal counsel. If legal counsel had been present, I

feel my case would have stayed restricted as I desired and my difficulties in reporting, such as 13-hour CID [Army Criminal Investigation Command] interrogations, would have been minimal. My report was determined to be unfounded.

My second case was founded on the basis of assault, but the report concluded that there was insufficient evidence to find the higher charge of aggravated sexual contact. The investigators refused to take my clothing for testing and refused to take a blood alcohol level test of my assailant on the night of the incident, contributing to the decision of the case.

The addition of the newly implemented special victims' attorney was increasingly helpful in this case, though. In the months prior to my resignation, I was subjected to many negative personnel actions with a pattern that indicated reprisal. Every time I would initiate a report, a few days later I would receive a new punishment. From drug testing that was negative, mental health evaluations that cleared me for duty, room inspections, and misconduct related to insubordination, were among the actions against me.

As these actions increased, I became desperate, and this, not surprisingly, was very damaging to me academically after missing many courses for the investigation, and I began to feel as if I had no other option but to leave the Academy.

I decided to begin asking for open-door policy meetings with my leaders, hoping that I could speak to them in smaller, lower-tension settings, to ask for their mentorship and determine why my situation became so distorted. My entire chain of command denied me.

I then asked Lieutenant General Caslen. Lieutenant General Caslen, I emailed you in desperation to let me speak with you privately before you made decisions on the misconduct reported against me. You, too, denied my request. I desired the chance to add context to those grim black and white words that you chose to judge me by, prepared by somebody else like those papers you have today, that I found that one JAG [Judge Advocate General] captain had influence over almost every factor of my case. I wanted to tell you that I was sorry for the mistakes I did make and that I looked up to you as a leader.

Even with those mistakes, I did not deserve to be treated the way that I was. I later found from a DOD [Department of Defense] agent that you stated you cared greatly for me as a cadet, and you instructed my chain of command to protect me and aid my success in any way they could. Unfortunately, I never heard these things. From my perspective, each time I reported an action, I received punishment, and in denying my open-door policy request, you confirmed my suspicions that I was not wanted at your institution.

If I had felt my chain of command truly cared for me and wanted me to succeed, I would have felt differently about my situation. It was the idea that the chain of command had given up on me that ultimately sealed my actions to leave the institution, despite my desires to serve my country.

I do not blame West Point as an institution for my situation. I blame the systematic failure of leadership who relied on blind loyalty to make judgments about an individual

they had never spoken to. I believe that if the open-door policy had been a reality, and I had been allowed to tell my side of the story to the leadership, I may have been able to stay.

A system of investigating and prosecuting complaints of assault that leaves great power in the hand of one individual, or single individuals, motivated by career and institutional goals, is not an effective mechanism for victims. After signing my oath, the first thing given to me was a small business card with the cadet honor code. Next written on the board was the Soldier's Creed, ``I am an American soldier. I am a warrior and member of a team. I serve the people of the United States and I live the Army values. I will always place the mission first. I will never accept defeat. I will never quit. I will never leave a fallen comrade.' ' And later, ``I am disciplined. I am a professional.' '

These are the words that inspired me to continue, even when I had nothing to gain and everything to lose, when I decided to report to help better the Academy instead of following advice to keep my head down and not say anything.

These are the reasons that I would also like to return to the Academy and complete my time there, as I believe actions speak louder than words, and simply coming here and stating a problem does nothing to guarantee a solution with no action.

With the support of Congresswoman Speier's office, I have decided to reapply for admission to the United States Military Academy to finish the education and training I began in 2012. I truly believe that the military and West Point has made positive strides to fix this problem and understands that assaults occur on many college campuses, but the service academies specifically should be role models for the Nation and the world.

Former Cadet Bullard and I were part of a group of four individuals who were friends who reported sexual assault and harassment at the Academy. Out of the four of us, none remain. West Point and all of the service academies are the functional units of change for the future of our Armed Forces. There is much more work to be done. Thank you for your time.

Mr. Coffman. Thank you, Ms. Gross.

Ms. Kendzior, you are now recognized for 5 minutes.

#### STATEMENT OF ANNIE KENDZIOR

Ms. Kendzior. Good afternoon. In 2008, I was a recruited athlete who was inducted into the United States Naval Academy. Prior to acceptance, my parents were concerned for my safety, given the then sexual assault scandal which was unfolding at the Air Force Academy, and during a campus visit, my parents and I were told by the Naval Academy representatives, including my coaches and the athletic director, that the Naval Academy did not have a sexual assault problem and that I would be safe.

Shortly after the academic year began, I experienced two horrible and traumatic events. I was raped not only once, but twice, both times by fellow classmates in my company who I had to face every single day. My emotional state began to deteriorate, and I went to the Naval Academy medical facility.

During my intake evaluation, I told the treating physician

that I had been raped, who did not ask when, did not ask where it had occurred, but simply checked a box on my intake form and prescribed me an antidepressant. These events set the tone for my remaining 2 years at the Naval Academy.

The culture at the Academy is that of a ``boys only'' club, where men are considered superior to women, where women are frequently referred to as DUBs, which stands for ``dumb ugly bitch,'' or other derogatory terms which most women want to be accepted, say nothing, and quickly adapt to the culture.

After 2\1/2\ years of sheer emotional hell, I broke down mentally, and was sent by my chain of command to the psychiatric ward at Bethesda Hospital. I spent 3 days there and was diagnosed with borderline personality disorder by a nurse practitioner, not a licensed medical doctor.

I thought that if I could get a transfer out of my company that I would be okay, and I made a request every semester to my company command, who refused to transfer me every semester.

I felt my life slipping away, and as a final effort, requested Mast with the then-Commandant of Midshipmen, Captain Robert Clarke. Upon discussing my situation with the commandant, he told me to grow up, and within days, began the separation process.

In July of 2011, an academic review board was called, which I thought was unusual, given my overall good academic record. During my hearing, members of the board openly discussed my sensitive personal medical records, all of which without my consent, and in the end, used my past medical treatments as a basis for my separation.

The Academy found it easier to label me as having a personality disorder than to treat me for the trauma of being raped. It seems the motto of the U.S. Marine Corps ``leave no man behind'' does not apply to the men and women who are raped. Instead, they are frequently and intentionally left behind to deal with the pain, anguish, and long-term emotional stress, while the rapist's career continues without any consequence.

The Navy continues to defend the ever-growing claims of military sexual assaults at the Naval Academy as small, and that those women who reported being raped were just mentally ill. How shameful. Military leaders then and now defend the growth rate as being good, claiming that they are glad to hear that women are coming forward to report their rapes. What they don't seem to get is that more rapes are bad and that they continue due to their failure by military leaders to address the root cause, that there is a small but active group of rapists whose crimes are rarely investigated, let alone prosecuted, and the military finds it easier to destroy the life of the victims.

The word is out. If you are a rapist, go into the military where you will be protected after you rape somebody. I was processed out of the Academy while my rapists are now serving as officers, potentially victimizing more people. Victims who see the treatment of those before them, such as myself, are not likely to come forward like I did, for they know what will be the consequences.

Upon leaving the Naval Academy, all forms of medical treatment and counseling ended. I was on my own to fend for myself. Thanks to the support of my family, I was able to get

the treatment I needed, which began with weaning me off the drugs prescribed to me by the military doctors, drugs that created the very personality disorders I was exhibiting.

After more than 5 years of detox, I am now off of all prescribed medications, and I am in PTSD [post-traumatic stress disorder] treatment that was developed, in fact, by a former military Green Beret. I was denied the opportunity of completing my education at the Naval Academy, given I only had 1 year remaining. I will never forget the day that I had to return my class ring, which represented the 3 years of hell that I had to endure.

All I wanted and asked for was to complete my education while getting proper treatment and serve my country as a naval officer, all of which was denied to me by my Naval Academy leadership. Thank you.

[The prepared statement of Ms. Kendzior can be found in the Appendix on page 62.]

Mr. Coffman. Thank you, Ms. Kendzior.

I would like to ask each one of you--I am going to ask you the same question. What is the policy or procedure that you would most like to see changed in sexual assault cases?

Midshipman Craine, let me start with you and then I will move to the right.

Ms. Craine. As for a policy change that I would like to see, the policy and the way I reported was so easy for me. It was so effortless. I just had to walk down to the SAPR office and tell them my story, that I didn't want to--I didn't feel the need that there was anything that I would have wanted to change about it, about that process, about the reporting, about the whole, you know, the case itself.

For me, it just worked out very well. It was a very positive experience in that manner, so I wouldn't be able to provide an answer in that.

Mr. Coffman. Ms. Bullard.

Ms. Bullard. Sir, I have experienced sexual harassment, so if you don't mind if I speak on a policy change that I would like to change on that.

In the recent report about sexual harassment, sexual assault, I see the only change they have done for at least sports team, is what they call a ``teal team,' where cadets will wear T-shirts, and when they go to this game, they get free concessions, and this is their awareness for sports for sexual harassment, sexual assault. And I don't believe that an ``It's on Us'' shirt is going to fix a problem for cadets.

I think there is a deeper understanding that is missing there. So if there is a policy that I think needs to change, I think it has to start from the cadets, and I think that there needs to be some sort of understanding, again.

Mr. Coffman. Thank you. Ms. Gross, what is the policy or procedure that you would most like to see changed in sexual assault cases?

Ms. Gross. Yes, sir. So one of the reasons cited that General Caslen was unable to meet with me for the open-door policy is that----

Mr. Coffman. Please move your microphone a little closer.

Ms. Gross. Oh, I am sorry, sir.

Mr. Coffman. Thank you.

Ms. Gross. Is that better?

Mr. Coffman. Yes.

Ms. Gross. Okay. Thank you. One of the reasons cited that General Caslen was unable to meet with me through the open-door policy was that he was conflicted as I was under investigation for misconduct. And I understand that his position requires him to have that oversight and not be in conflict, but if the open-door policy is specifically for retaliation under sexual assault or harassment, maybe there is some provision that can be made so that these victims can go to the superintendent if they need to, if that is the only person left that will talk to them.

Mr. Coffman. Ms. Kendzior, what is the policy or procedure that you would most like to see changed in sexual assault cases?

Ms. Kendzior. So for me, my first person to report to was a fellow midshipman. I believe he was a senior at the time, I was a junior, and that, in my opinion, was wrong. I don't think I need to be telling what happened to me to a fellow classmate, or even a person who is a year older than me.

If you guys don't know, the Academy, at least the Naval Academy, is a huge rumor mill, rumors spread fast, and telling a peer just opens that door up to more rumors.

As for another policy, I believe that, you know, they should not be just educating the midshipmen about these things. They should also educate the leadership and the staff of these academies to be able to help identify signs of those who are raped, maybe go to them and ask and talk to them about it.

For right now, midshipmen are just trained by their peers, and that is what I went through, a training of, you know, midshipmen teaching midshipmen, and to be honest, nobody took it seriously, at least the classes I attended.

Mr. Coffman. Thank you. Midshipman Craine, I don't know if you mentioned this, but some of the panelists have mentioned retaliation. If you experienced retaliation, was it through social media or in person? And also, if you experienced retaliation, did you report that?

Ms. Craine. So in my case, the person who assaulted me was in the same company as me, which provides a very unique situation in which I have to see that person every single day. We have mutual friends. We were in the same class, the same company.

In terms of retaliation, people found out very quickly that something was going on, and he was more liked than me, so what ended up happening is more people didn't--people didn't know which side to choose, became almost like a choose-a-side situation in which I was presented the opportunity to leave the company as to not experience retaliation.

So I chose--it was either him or me, but I decided to leave the company because I felt more comfortable in leaving the company than having to experience, in case I would have experienced retaliation if he had left and then I had stayed. So in terms of that, that is how I--dealt with that.

Mr. Coffman. Thank you. My own time is expiring, so if you could all go very quickly.

Ms. Bullard, I think you mentioned experiencing retaliation. Was it through social media or in person, and did

you report the retaliation in and of itself?

Ms. Bullard. Yes, sir, I did report the retaliation, which caused me to receive more misconduct on my part and--not on my part, but you know, people retaliating against me and I am having misconduct taken against me.

And again, to your first question, I think there is too many hands in the pot for investigations. The investigating officers, most times, are not--have some sort of relations either to someone who is in charge of me or someone in charge of someone--of my victim. It is--sorry. Sorry I am being really emotional right now.

But I think there needs to be a third party checking on this is what I am trying to say.

Mr. Coffman. Ms. Gross.

Ms. Gross. Sir, briefly, with my case, an app called Yik Yak was very prominent at the Academy during this time, and so, unfortunately, a lot of my retaliation on my peers occurred on the Yik Yak app. I walked around campus with very visible bruises on my neck that couldn't be hidden by uniform, and so it was very public who I was given the name on the left side of my chest. And so--or the right side.

And so from there, I couldn't report it, because there was no way to determine who it was. It was just liked by 300 people. You know, secondarily to that, I was moved four times, and I was asked the first time to move, second time, I was not, and that is usually considered a problem at the Academy.

Mr. Coffman. Ms. Kendzior, can you give me your view very quick. I am sorry, I am over time.

Ms. Kendzior. Yes. For me, it was a lot of rumors. They were rampant, like I said earlier. I was labeled a slut who got around, but really, my process of separation happened really quickly. So most of the retaliation came after I was already separated, from peers contacting me and saying negative things towards me about what I did.

Mr. Coffman. Ms. Speier.

Ms. Speier. Mr. Chairman, I am going to hold my questions till the end and allow my colleagues to my left to ask theirs.

Mr. Coffman. Ms. Tsongas.

Ms. Tsongas. Well, I thank you all for being here. This is certainly an issue that this committee has spent a good time looking at, and you are providing additional insight that is much needed. It is so hard to tell your story, but I appreciate the determination and tenacity all of you are bringing to your presence here, and to your continued desire to serve your Nation. I thank you for that, despite all of this.

We focused a bit on the assaults, but I am curious about the cultural issues, and I think much of the sexual harassment that you all experienced is rooted in a culture that has yet to fully embrace the diversity of the corps, the different corps that you are a part of.

And what I would like to hear from each one of you is let's just say from the day--day one, as you made your way into your particular academy, if you experienced things that you would like the academies to take note of as they begin to think more broadly, not just about the particular crimes, but how they create an inclusive culture. So we will start with you.

Ms. Craine. Thank you. From day one, I would definitely say

that it is important to note that the upper class play a huge role in setting the command climate of each company. I was a plebe when this happened, and I came into this and I thought this was okay, and that, to me, was scary. And I knew deep down inside it wasn't okay, so I reported, but I had the support of my roommates at the time and my very close friends, and it was good that they had supported me in reporting.

But at the same time, I didn't feel confident in relying in that chain of command of midshipmen at the time, so the culture does have an impact, especially the training and the awareness that the upper class have, especially on plebes, on underclass, in regards to sexual assault and harassment.

Ms. Bullard. Regarding mine, I would say kind of similar to what Ms. Kendzior said. There is a loyalty there. My time, especially on, like, the sports team, I know very well. I had to swim with a guy that I dealt with sexual harassment. Every single day I saw him, and I'd have to swim with him in that pool, and there was no overlay. He was a swimmer. I mean, there is--we were both swimming in the same place. There is no way that I could get away from him, especially in that atmosphere if I wanted to keep up with my sport.

So I would say that that along with the fact that as soon as I opened up my case for sexual harassment, the whole team battled against me because you don't tell on the team, you don't get the team in trouble, you don't give negative feedback about the team because you are drawing attention, and you are getting people in trouble. And so, eventually, that is what led to me swimming by myself for 2 weeks before my big championship meet.

And I have to tell you, that was probably the hardest thing I had to do was see every single one of my teammates, no one said a thing. No one said a thing about me swimming by myself, and then they assume I had special treatment. So--and that is all I have to say.

Ms. Tsongas. Thank you. Go ahead.

Ms. Gross. I think this problem begins with the fact that we have different standards than men do, and that is really--it is needed in a lot of different ways because we are physiologically different than men, but because we have lower standards physically, the men do initially think that we are lesser than them because we can't perform at the same level that they do.

And so that starts in basic training from day one. And then in basic training, as we go out to the field and we are doing these operations and all these different things, now the women are segregated and we are sleeping by ourselves out to the side. So the men are participating in the shooting exercises at night, but the women are off to the side because they don't want us sleeping next to the men at the Academy. So now we are further segregated, and that starts the issue there from day one that we are at the Academy when they take the women out to a different place. That segregation causes the issue.

And like Midshipman Craine said, it starts at the lowest level. When the sophomore cadet teaches the freshman cadet about leadership and when the graduates of the Academy go out to, you know, their posts across the world from their first platoon, and you know, show leadership skills for the first

time so----

Ms. Tsongas. Thank you. We don't have much time, but I would love to hear from you, too.

Ms. Kendzior. So I also second Midshipman Craine about how the upper class sets the tone. One of my first sexual harassment prevention classes as a plebe, we were told a story about how a female had said that a star football player had raped her. He was separated, accordingly, and that in the end, she had actually lied about it, and they finished that story with ``don't be that girl.'' That is what they tell us, told my class, at least, in that sexual assault prevention class.

Ms. Tsongas. Thank you all. I appreciate your being here today.

Mr. Coffman. Mr. Russell, you are now recognized for 5 minutes.

Mr. Russell. Thank you, Mr. Chairman, and thank each of you ladies for testifying today.

Midshipman Craine, are you familiar with the Sexual Assault Prevention and Response [SAPR] program?

Ms. Craine. I am.

Mr. Russell. How effective would you say that it is in an effort to deal with these issues that you experienced?

Ms. Craine. So I would say, in terms of training midshipmen, I kind have seen it evolve since I was a plebe. It has definitely come a long way. I definitely saw how there was a bit of cynicism as a plebe when I was going through these classes and how now, as I am becoming an upper class, I am getting closer to the fleet, the midshipmen are really taking a hold of it and making it more of a positive thing.

People are really participating. Mainly, the guys in the class are the ones that participate. In terms of people getting the summer training that--so that they can become SHAPE [Sexual Harassment and Assault Prevention and Education] representatives, like that is also really huge. I am seeing really positive people taking those positions, and I am really impressed as to how it has changed.

Mr. Russell. Do you, as a future leader in our Armed Forces, do you feel that this equips you with the tools to deal with cases like this as you counsel and work with your future sailors or marines, depending upon where you are going to be branched?

Ms. Craine. I do think so, to some extent. I definitely have, like, some lessons where I am just like it is a little off topic or not--doesn't really apply. I do see that if there were a way to incorporate actual midshipmen, actual victims, actual midshipmen victims into these classes, it would make a bigger impact. People would see them, be like that is my peer, that is my friend, and people would listen to those classes especially more.

Mr. Russell. Well, and I thank you for that, and, you know, I think all of us on the panel agree, or in the committee, that even one incident is unacceptable, certainly in our military. But as we see the responses and how to deal and improve this situation, it is important to get that kind of feedback from each of you.

And now I would like to switch a little bit to the Army. Ms. Bullard, do you think that the SHARP training--are you

familiar with the SHARP training?

Ms. Bullard. Yes, sir.

Mr. Russell. Do you think that is a useful tool and its content is helpful or not helpful for cadets?

Ms. Bullard. I believe it is helpful to an extent. Just like Midshipman Craine said, it has to come from the cadets. Just simply having an upperclassman present a media file about sexual assault and sexual harassment isn't good enough anymore. It has to come deeper from within. And so relating, and having a peer come up to another person saying, ``hey, this is what happened to me. You guys have to understand that, you know, this happens.''

And the funny thing is the culture, most cadets believe that almost every single report is a lie when actually almost 90 percent of it is true, and that is just the culture. Most cadets don't believe in any woman that reports. I mean, most of them. That is--everyone jokes around about that, especially on Yik Yak that Ms. Gross explained.

Mr. Russell. And along the lines to address some of this, Ms. Gross, if I may, and I am not sure if it was in place when you were a cadet, but there is the Respect Program which targets those who demonstrate a lack of maturity or engage in acts inconsistent with the Army values. You mentioned the Army values, such as sexual behaviors or sexist behaviors. Was the Respect Program implemented while you were a cadet there? Do you remember that?

Ms. Gross. Yes, sir, the Respect Program was very active. Actually, Cadet Bullard had more experience with that. After her harassment complaint, the cadets were subjected to going through that program, so I am not completely familiar on that topic specifically.

Mr. Russell. Sure.

Ms. Gross. I would like to say, though, that the Air Force Academy--Cadet Bullard talked about having peers, and the Air Force Academy has a program called PEERS [Personal Ethics Education Representative] that acts within the companies and supports those ideas of respect mentorship.

Mr. Russell. Do you feel, based upon the three of you having, you know, the most recent experience--and Ms. Kendzior, I, very much, you know, was moved by your testimony, and thank you for that. But do you see these programs getting at the criticality of the issue--it is just a matter of massaging the implementation, including more feedback from the cadets or the midshipmen? Do you feel that the programs are viable, but it is a matter of execution?

Ms. Gross. Absolutely, sir, and it is very important. I know I am running out of time here. Cadet Craine's point is great, and she said that when she got there, the programs were evolving. Two years ago is when she started at the Academy, and we were there 2 years ago, and that is when we were leaving. So if that evolved now over the last 2 years and it seems like it is making good progress, it just---

Mr. Russell. So I guess--and I really appreciate this feedback. It gives us a unique opportunity to query, but it appears that the leaders, in trying to address this very real concern, because we all believe, and being a former military leader with decades of service, one incident is unacceptable.

But it becomes critically important to know are the programs being implemented, do they have value, and so I really thank you for those responses.

And thank you, Mr. Chairman. I yield back.

Mr. Coffman. Thank you, Mr. Russell. Mr. Gallego, you are now recognized for 5 minutes.

Mr. Gallego. Thank you, Mr. Chair. Thank you, first of all, for being so brave in coming forward and informing, educating us and the public. This is not ever an easy--easy for anybody but especially in the limelight.

I am concerned, from hearing your individual testimonies, that--and please correct me--that there wasn't any education in the entry program, whether you are a plebe or a cadet. I am not too far removed from college, but I do remember my freshman orientation, we were specifically told what consent meant, what were the consequences of not having consent, and that there was a very defined--and I did not go to an academy, but there was a very defined process if you were accused of sexual assault and that you would be removed from the school, and also, if possible, turned over to the local prosecutor for prosecution.

When you all were going--entering your school or your academies, is there a portion within that first week where cadets or plebes, or whatever, are explained to them that this is what is considered consent, what is not considered as consent, and do, you know, your classmates understand that? Let's--we can start with Midshipman Craine.

Ms. Craine. Most people agree that during that first month, when you get to the Academy, it is all quite a blur, but I do recall there being a brief about SAPR and SHAPE program, what is consent. There was a CMEO [Command Managed Equal Opportunity officer] there. But at the same time, like, you are also not focused on those things. You are so busy with other tasks at hand, but yes, there is that brief, that initial brief.

Mr. Gallego. And that brief only occurs one time in the career of a cadet?

Ms. Craine. No. No, that brief happens quite often.

Mr. Gallego. Okay.

Ms. Craine. It updates the midshipmen with the brief.

Mr. Gallego. Ms. Bullard.

Ms. Bullard. I concur with Midshipman Craine. We do learn about that during our base training, and it is just about, I guess, implementation, just like Mr. Russell said. I mean, it is just--cadets, I don't think, are necessarily understanding the severe rationality about what is actually occurring. And I mean, most cadets just don't think it is real, and that is why I think we all mentioned that hearing from your peers and hearing, you know, real stories would be a lot of help.

Ms. Gross. I actually have a different experience, and my basic was in 2012--Ms. Bullard's in 2013--but I don't remember anything from my basic training about sexual assault training. I remember ruck marching for 12 miles. I remember sticking people with needles. I remember running. I remember a very impactful honor code speech that, you know, spoke with me. I remember respect, but I don't actually remember a briefing on sexual assault, so obviously, it wasn't impactful enough to carry with me through that period.

Ms. Kendzior. And I pretty much concur with that as well. I

am the oldest of the bunch. I entered in 2008. If there was a briefing, I don't remember, and/or I just wasn't really focused on it at the time. I had so many other things to deal with.

Mr. Gallego. Follow-up question, again, for the panel. Do cadets actually understand the consequences of their actions? Do they understand that they can be prosecuted under the UCMJ [Uniform Code of Military Justice] and that obviously they would be kicked out?

I know that sounds like a very silly question, but you are dealing with young men that may not understand because their command has not told them that this is not--this is not acceptable, or for some reason they somehow think that they are not going to be prosecuted. Do you believe that the academies, your respective academies you attended, did not properly communicate to your fellow cadets and midshipmen the consequences of such heinous actions?

We will start with Midshipman Craine.

Ms. Craine. They were definitely told the consequences briefly, but like anyone, you can be told the consequences but not understand what it is to go through the consequences of committing an act as that.

I do think there might need to be a little more focus on what would happen to you if you were to do that to someone, but yes.

Mr. Gallego. Ms. Bullard.

Ms. Bullard. If you don't mind if I am just being blunt.

Mr. Gallego. Yeah.

Ms. Bullard. I mean, if it is prosecuted. I mean----

Mr. Gallego. Right.

Ms. Bullard. They understand, I guess, the consequences, and it is just words, but most times they are not. I mean, if it is prosecuted, if it is searched right, I mean, most--I mean, you hear all our stories, and it just--it wasn't investigated right, and this seems to be a trend.

So I mean, and most people, I mean, if you look at our investigations and some of the stuff that some of the men have gotten away with, I mean, it just lets alone, it causes a trend, and it shows people that that is okay; and that is not right.

Mr. Gallego. Thank you. Ms. Gross.

Ms. Gross. I concur with what Ms. Bullard said, and specifically for our academic year, where our assaults were reported for 2014/2015 report. There was 14 reports made that year. Only eight were finished by the end of the report. There was only one cadet that was discharged for a sexual assault-related offense. My cadet, who was founded on assault, was discharged administratively for a nonrelated offense. I am not sure why. But at that point, you know, maybe they do know what the punishment is, but they see that the statistics of them actually getting discharged for that are very low.

Ms. Kendzior. And I will end with, yeah, they did communicate the consequences, but obviously the consequences aren't upheld.

Mr. Gallego. Right.

Ms. Kendzior. So they don't feel threatened by it, in my opinion.

Mr. Gallego. Thank you. Yield back the time.

Mr. Coffman. Thank you, Mr. Gallego. Ms. McSally, you are now recognized for 5 minutes.

Ms. McSally. Thank you, Mr. Chairman. Thanks, ladies, for your courage to speak to us today and speak publicly. I went to the Air Force Academy. I was in the 9th class with women there, graduated in 1988. These dynamics were going on when I was there, and they are still going on now. And I think there is, at least, has been a greater emphasis, or desire, by the leadership to truly address these issues. But from your stories, obviously, there is still a whole lot more and they are still falling short.

I have spent--you talked a little bit about culture. I've spent a lot of time thinking about the ``Lord of the Flies'' sort of culture that we all experienced at the academies where you have--and I never thought I would be saying this on the Congressional Record, but I am just going to go for it. But you have got 19-year-olds in total control of 18-year-olds, you know, 20-year-olds, 21-year-olds.

I thought about it later on when I was an officer, like we would never have airmen first class in total control 24/7 of an airman basic in the Air Force. I mean, you don't do that. We bring them up. We--they get, you know, focused on their skill, and then we teach them how to supervise, and then ultimately, after several years, we then allow them to supervise individuals, and that is really in all the services.

And the only difference between, you know, those 20-year-olds being responsible for directing 18-year-olds around is, you know, quite frankly, your SAT scores were higher, right. So you know, you are at the Academy, but where this dynamic of having 20- and 21-year-olds responsible for 18- and 19-year-olds, and, you know, this leadership laboratory, I mean, we shouldn't be experimenting with human beings.

So my question is, how much when you--talking about the chain of command, the midshipman chain of command, how much of what you are dealing with is the upperclassmen making decisions, and how much are the real--the officers and the senior enlisted that are the ones that are in the Air Force that are actually the chain of command, who are ultimately responsible for this, right?

So I just want to be clear to make sure I understand. Do you have 20- and 21-year-old midshipmen now deciding what to do here? Or, you know, do you have a commanding officer that is an actual officer? So just talk to me about the balance of decision making in this environment these days, Midshipman Craine.

Ms. Craine. So it, once again, depends on the company. I find that I was in a very, like, very open company. The open-door policy with the company officer, it was great.

Ms. McSally. You are talking to the actual officer, right?

Ms. Craine. Yes.

Ms. McSally. So you are not reporting to like a two degree or whatever you guys call them there.

Ms. Craine. You can. So they have SHAPE representatives in the company that have stickers on their door that say you can come tell me anything about this case. They are trained to assist and give that person the resources, but at the end of the day, you have to report either through your company

officer, through the SAPR office, through an actual figure.

In my case, I reported to--I didn't report, but I had discussed it with my academic advisor, an adult not in my chain of command, and she directed me to the right resources.

Ms. McSally. Okay.

Ms. Craine. So that is how I----

Ms. McSally. Just let me be clear. Nobody is reporting to another midshipman or cadet who is then deciding not to do something with this. I just want to be clear as to who the decision makers are here.

Ms. Craine. No. The midshipmen, at least from what I have experienced, they do not make the report. They do not report for you. You report. They give you the resources.

Ms. McSally. Okay.

Ms. Craine. They do not decide it.

Ms. McSally. Do any of the rest of you want to pipe in based on your experiences?

Ms. Gross. You mean, on sexual assault harassment specifically?

Ms. McSally. Yes.

Ms. Gross. Regarding the assault itself, at least at West Point, there is no peer reporting, but the peers have a lot of control over the conduct investigations that happen for you. So honor boards are reported by your peers and investigated completely by your peers. And then we also have command--my command directed mental health evaluation was initiated by a peer, by his report. My room inspections were by peers. My reprisal initially was by peers. My misconduct investigation was by peers. They do have a lot of control with your life.

Ms. McSally. So you are basically--the sexual assault process and all that is in the hands of the officers and others, but when you are dealing with all this other--the other dynamics, the culture, the potential retaliation, there is a whole lot of peer. I think that is really something that we need to be paying a little bit more attention to.

And Ms. Gross, I want to follow up on this culture thing. And I spent a lot of time thinking about this. We show up as 18-year-olds having a full respect for men and women, and somehow there is this inculcation that happens where resentment builds. And I do want to follow up with you on your perspectives, and I know I am not going to have a lot of time here.

Ms. Gross. I understand.

Ms. McSally. Any double standards----

Ms. Gross. Absolutely.

Ms. McSally. People make fun of me, but I talk about, hey, you need to have your hair cut, too, not just the guys having their head shaved. Like right away we shouldn't have resentment building in the men towards the women. We need more integration, not more segregation, because that builds resentment.

And this is all the cultural stuff that feeds into the ``you are not my real teammate,`` and that is, I think, ultimately what we have got to get to the bottom of here at all the academies and in the military. Would you guys agree?

Ms. Gross. Yes, ma'am.

Ms. Bullard. Yes.

Ms. McSally. Thanks. I am out of time. Thank you, ladies.

Mr. Coffman. Ms. Rosen, you are now recognized for 5 minutes.

Ms. Rosen. Thank you. And I want to thank you for your bravery in coming forward and speaking so candidly about something so painful, and so very wrong. You went to the service to serve our country with honor and respect, and you certainly weren't treated that way, and I am very sorry for that.

What I want to ask is, there is a lot of other women in the military, so in your experience at your school, were there women leaders? Were there focus groups? Were there support groups? What were the women officers able to do for you, and how can they help change this culture as we go forward?

I mean, maybe they are the strongest advocates because they have been through this, like Representative McSally, and can focus on that.

Ms. Craine. So from my experience at the Naval Academy, there are many, many good women role models. They are officers, senior enlisted, even midshipmen. Right now, our brigade commander is a woman. And it is fantastic. Like, I do not really--I have actually never experienced ever backlash for being a woman, never any double standards. There is always women breaking the barriers and improving themselves, and it is really fantastic.

Ms. Rosen. How can the older women support you younger women, I guess is my question, what can they do or we all do?

Ms. Craine. Just by being great role models, really just interacting with the midshipmen from a day-to-day basis. Like, for female midshipmen, seeking out those roles, seeking out leadership roles, seeking out roles in which they interact with midshipmen on a larger scale. Like, those really make an impact. You get more face time with someone who is in a position of authority and then you respect them.

Ms. Rosen. Ms. Bullard.

Ms. Bullard. I actually had a mentor. She was a SARC and she was also a former IG [Inspector General]. And it got to a point where she supported us, supported us, and it got to a point where we had so much retaliation that she feared for her job. And she had us sneaking around, to sneak into her office, in order to see us.

So I would say there is a support, but there is also retaliation against them as well.

Ms. Rosen. So throughout the ranks?

Ms. Bullard. Yes, ma'am.

Ms. Rosen. Ms. Gross.

Ms. Gross. I think it is important to note that that SARC was also a USMA grad and was a colonel previously in the Army. So she was very confident in her acts with us initially, and then was told--told us that she was reprimanded by the chain of command for being too close to us in counseling us. And that was when she told us to sneak into her office so that upper leadership wouldn't see her talking to us. And she later was transferred out of the Academy to a different position.

In addition to that, we have many leaders like this that were women, and towards the end of our time at the Academy when the retaliation increased and Congress had begun to get

involved in our cases we started to lose those successively where they were told not to speak with us.

We also, Ariana and I, were very active in trying to start a support group at West Point, which is something that happens at the Air Force Academy, and West Point does not allow support groups. We were very active with this, pushing as high up the chain of command as we could, to the SARCs. They told us that it wasn't allowed and that we weren't able to do it.

We ended up forming our own informal support group, through the four cadets that I mentioned previously. And as I mentioned, all four of us have since left the Academy, either being pushed out or self-discharged after mental issues.

Ms. Kendzior. So from my experience, I didn't really have many female officer mentors. I was always surrounded by male officers, at least in my companies. But to note, a lot of the officers that are company officers went there themselves, so they kind of fell into the same culture that we are a part of in terms of, you know, trying to fit in with--I call it a frat, a big frat you are joining. In my year, 22 percent female. So you are joined into this boys club or fraternity and you try to fit in and be one of the guys.

And on another note, the only female officer that I actually did sort of know, who was the company officer of a company nearby mine, was actually accused of inappropriate sexual conduct with a male midshipman.

Ms. Rosen. It looks like we have a long way to go to bring this out of the shadows, because that is where it has been hiding, and that is what allows perpetrators to victimize women like you and others like you, and we need to bring them out of the shadows. They should be here talking about why they did the things that they did and letting the world see them on television.

Thank you for your time. I yield back.

Mr. Coffman. Thank you, Ms. Rosen.

Mr. Kelly, you are now recognized for 5 minutes.

Mr. Kelly. Thank you, Mr. Chairman and Ranking Member, for having this very important meeting.

I want to, first of all, tell each of you I am sorry for what you had to endure. And I thank you for your bravery in being here today. And so I want to make sure that is the first and foremost.

Secondly, I want to talk a little bit. To me, they are separate things, and we shouldn't be having a hearing on separate things. Harassment and assault are two different things. Harassment is a cultural thing. It is bad, really bad. But assault, that is criminal, and people need to go to jail. And that, more than anything else, as a former district attorney, there is nothing I can stand than a criminal act which someone gets away with.

And to put them in the same category--because what happens with leaders is they retract to the easy-to-defend position. So when you start talking about assaults and you start talking about harassment in the same voice, they always want to talk about harassment and not about the assault. And, again, assaults are a criminal act and nothing less. They are always a criminal act.

Are you all aware of anything that tracks when an

individual either has a sexual harassment, but more specifically, a sexual assault, when the perpetrator, not the victim, but when the perpetrator is put into the system, do we have an unmasked--I understand innocent until proven guilty, but you can mask DUIs [driving under the influence], and when someone is not adjudicated, so you have a public-private record and all those things. Are you all aware of anything that tracks these people who are accused?

Because if a guy has been accused three times or two times or five times, they are a predator. And so we need to know that even if it is not drawn to the conclusion that once that accusation is made it is not in his permanent 201 file, so to speak, but it is in an unmasked. Are any of you four aware of anything that privately masks that?

Yes, ma'am.

Ms. Gross. So that was one of the main reasons that I was pressured to report my first case from unrestricted to--I am sorry--restricted to unrestricted, was that when I sat down with the SARC's office, they told me that even if my case was unfounded, that that was my main concern. There wasn't a lot of evidence to my case, it happened previously, that even if I report it, then at least it would be in his file so that if it happened again, that he would have a pattern. And that was what I was told, which what I am hearing from you, sir, is that it is not that case, that it is removed from the file later or that they can't track that?

Mr. Kelly. No. Mine is a question. I think that when it is reported that it ought to be private, in a private file, that every other commander for the rest of that person's career sees. If that is the only one that ever happens, then I don't think there should be any derogatory towards that soldier, sailor, airman, marine. But if there are three of them over a 5-year period from three different victims, then regardless of whether he is found guilty, I think the chain of command has a duty to know, because you probably have a predator, and I am not aware of anything that does that. Are you all?

Ms. Gross. There does seem to be a tracking system, at least on the reports that were just released and the previous reports, if you look at the case synopses, they have a section that asks if there had been a previous offense committed or reported against the cadet.

Mr. Kelly. And I know that it is working better now than it has in the past. I was at the Air Force Academy last year for a graduate of two cadets from my district, and one from somewhere else--we are talking about the day of graduation, within the last 2 days--was not allowed to graduate within 2 days of graduating because of a SARC's complaint. That to me is progress. That is effects. That is where you can see that the person who perpetrated this on you is not graduating and not being that.

That being said, just very briefly, and I will start with you, Ms. Kendzior, if you will say, if you could do any one thing to make this better, what would it be?

Ms. Kendzior. As in had I been there in the past--when I was there in the past or now?

Mr. Kelly. If you can fix anything, if you can do, if you are the person in charge of the entire DOD, you are Secretary

of Defense, and you could do one thing that might impact that, then what would that be?

Ms. Kendzior. I think creating an open environment, a safe environment to talk about this, to have a place to go and discuss it that you won't be judged and it won't get out to the rumor mill. To me, that is why I held it in for so long before I came forward. I did not feel like I had a safe place to talk about it.

Mr. Kelly. Ms. Gross.

Ms. Gross. I really that think we need to institute a standard of support groups across the Academy, something that the regular Army does but the academies don't uphold. And I had the belief while I was there that it is because they didn't want us to group together. But if they did group together and students were be able to talk about these problems and the leadership can then see systemically what is going on, I wouldn't feel like I was the only one.

Mr. Kelly. And very quickly, Ms. Bullard. And I am going to skip you, Ms. Craine.

Ms. Bullard. Interestingly enough, in 2014, almost all investigation findings were downgraded to find no sexual basis of charge. My point is, is that the leadership is not dinged by the assaults, because it is not recorded as sexual.

Mr. Kelly. And that would go back to my point. I don't think that it is being tracked unmasked so that the same perpetrator, because I guarantee you--and I am sorry, but, Mr. Chairman, if I can indulge Midshipman Craine.

Ms. Craine. About any changes that I would make? It would be to make sure that the squad leaders and the people that--the underclass and the people you see the most are trained. Because when I went through my case, I didn't really think of the SHAPE advisers in my company first. I thought of the people that were closest to me that were in charge of me.

Mr. Kelly. Thank you. Mr. Chairman, I yield back.

Mr. Coffman. Thank you, Mr. Kelly.

Mr. Bacon, you are now recognized for 5 minutes.

Mr. Bacon. Thank you very much.

I want to thank each of you for sharing what happened in your life. And I just want to make it clear, actions described were disgraceful and unacceptable. I say that as a five-time commander, served nearly 30 years in the Air Force, but also as a husband, father of a daughter, granddaughter of three little girls. Actually want better. So we owed you better.

My thought as an institution with the service but also with the academies, in any unit, we have got to do three things in leadership. One, make the policies clearer, what the standards are, and how to respond when an incident does occur. Two, I think we owe a way to support victims when these things occur, so we have to have a very clear support network there and a process. And three, we have got to hold people accountable. And so I had to look at all three of those things as a commander.

So I have a question for you. As a commander, we have a little bit of leeway how do we prosecute when things occur. And some folks want a bar set a little higher, some set a little lower. When I had this situation in my commands and I felt like we needed to take more quick action, I decided to court-martial folks who the evidence was not as clear. Sometimes it was one

person's word against another person's word. But I wanted the victim to have the opportunity to speak in front of a jury, make their case, and also then the person who is accused. And our convictions went way up when this happened.

I would love to have your feedback. Would you have felt comfortable to go to a court-martial or is this a process that would have worked for you if you had a commander that was a little more aggressive and said ``let's put this person in front of a jury''?

Let's start with Ms. Kendzior.

Ms. Kendzior. I guess I don't understand your question fully. Can you please----

Mr. Bacon. I think the commanders have some leeway who to court-martial. Sometimes they want very clear evidence of guilt, other times it is a little less clear. I took the tack as a commander that I would court-martial people more quickly and let the juries decide. What do you think of that principle? Should we be more aggressive in court-martialing and let the juries decide?

Ms. Kendzior. I personally believe it should be taken out of the hands of the military to do this in general. Rape is not and sexual harassment is not exclusive to the military, so why should the military be handling this when it is an epidemic throughout our country in all colleges? So in my opinion, I don't think it should have to go to a court-martial. I think it should have to go to civilian court to handle these cases appropriately.

Mr. Bacon. I will just say, though, for the record, in our case, we had a high conviction rate through the court-martial. We put people in Leavenworth. So accountability does occur. You just need commanders that lean forward and be aggressive at it.

Ms. Gross, do you have a thought on this?

Ms. Gross. I do, sir. It is actually kind of an opposite thought. But I think that right now there is actually too much leeway within the institutions. The Academy, at least West Point, has many different sanctions that they can impose. As you saw with my case, they gave an administrative sanction instead of regular court action sanction. They have different misconduct hearings, Article 32s. They can do just regular judicial punishment at the Academy in the form of walking hours. And for that reason, they are able to lower their numbers of assaults.

And so it is very interesting, if you look at the year that I left, 2014 and 2015, there was only one case of substantiated sexual assault and no substantiated cases of sexual harassment. All they were substantiated on was harassment. My case was classified as sexual assault. I was only substantiated on assault. So maybe that leeway is actually a little too much.

Mr. Bacon. Okay. Thank you. And Ms. Bullard?

Ms. Bullard. This is a hard question. I say that because I think--I would agree with Ms. Kendzior. I think it needs to go outside the military. And the reason why is I think it means--in Mrs. Gross' case, at any point the head of the command could have done something. So that is all I have to say.

Mr. Bacon. One comment, too, Ms. Bullard. I found in my experience, you are absolutely right, 90 percent of allegations are true. That has been my experience as a five-time commander.

And I found out when you start court-martialing people, people are pleading guilty. And so I just wanted to substantiate, to back up your point.

Ms. Bullard. Thank you, sir.

Mr. Bacon. Finally, I just would like to make one point for Ms. Kendzior, and I would love to have your feedback.

The fact that you were calling a DUB, quote, and in plural DUBs to the ladies is a sign of a bad cultural problem. Did you see any efforts from the higher level command or anywhere in the middle to try to correct that?

Ms. Kendzior. No.

Mr. Bacon. Okay. Thank you very much. I yield back.

Mr. Coffman. Thank you, Mr. Bacon.

Ms. Speier, you are now recognized.

Ms. Speier. Thank you, Mr. Chairman.

Let me just tell you how extraordinary you all are and how grateful we are that you are here to testify.

I am troubled by a number of things that happened. With you, Ms. Kendzior, you were raped twice at the Academy and then labeled as having a borderline personality disorder and taken out of the military. Is that correct?

Ms. Kendzior. Correct. The rapes did not occur at the Academy or on the Academy grounds, but it occurred at a team house off campus on one occurrence, in a hotel on another occurrence, but both of them were by midshipmen.

Ms. Speier. And both those midshipmen continued through their education and became ensigns?

Ms. Kendzior. Correct. And actually there was an NCIS [Naval Criminal Investigative Service] investigation on the one, the first rape that happened, and he was still there when I reported, and he was allowed to graduate.

Ms. Speier. Ms. Gross, you indicated that you were interrogated after the rape or after----

Ms. Gross. The first assault, yes. The first rape.

Ms. Speier. The first rape. And you were interrogated for 13 hours?

Ms. Gross. Yes, ma'am, that is correct.

Ms. Speier. And then what happened?

Ms. Gross. During that time, I think CID--CID had gotten better by my second assault, I will say that. There had been improvement. I am unique in the fact that I did not have a special victims' attorney for the first, and then I did for the second, so I was able to see the change between the two. Having that special victims' attorney played an integral role to making sure that didn't happen the second time. He was very strict on making sure that I wasn't overexerted.

But the first time I had 13-hour interviews, I think twice, before my commander came in after 11:30 at night and said that I needed to go, because I had class in the morning, and I had missed class all day.

Ms. Speier. So you had two 13-hour interrogations?

Ms. Gross. Yes, ma'am.

Ms. Speier. And we wonder why victims don't want to report.

If I remember correctly, Ms. Gross, you had, in the second rape or assault, you had bruises on your neck and in your upper torso area. Is that correct?

Ms. Gross. Yes, ma'am.

Ms. Speier. And there were photographs taken, correct?

Ms. Gross. Yes, ma'am.

Ms. Speier. And then were these photographs lost?

Ms. Gross. I was told that there were certain photographs that were not documented properly or lost within the investigation, yes, ma'am, and also that they had refused to take my clothing and the blood alcohol level indication that was requested.

Ms. Speier. So he was drunk.

Ms. Gross. Yes, ma'am.

Ms. Speier. And he sexually assaulted you. They were made aware of this, and then they chose not to get his blood alcohol or to take your clothing as evidence.

Ms. Gross. Yes, ma'am, at the directive of the trial counsel at West Point, a captain.

Ms. Speier. And what was the rationale for not doing that?

Ms. Gross. I am not sure, ma'am. The military police officers told me that they received the call. As Ariana Bullard was with me and told them to take a blood alcohol level, because he was obviously drunk, and they said that the trial counsel captain told them not to take it, and I never found out why. My special victims' attorney said that he wasn't sure that the Academy had the right intentions with the second case and felt that because I had an unfounded case that I was no longer credible, and so he felt that that was going to be used against me.

Ms. Speier. Now, both you and Ms. Bullard, even though you have gone through this injustice, frankly, you want to return to the Academy and complete your education there. Can you explain to us why?

Ms. Bullard. Ma'am, I think, first off, I think it should be noted that I didn't want to leave in the first place. I wanted to stay if there was a change. And the fact that I received silence from General Caslen showed me just that there wasn't anything to be done at that time. And so immediately I had to go.

And, yeah, I would say that I would love to go back. And I think that Stephanie and I are probably the best people to help create and help support this cause.

Ms. Gross. I think that Ariana and I can agree, and we have talked extensively about this decision, that we admire General Caslen greatly. We both admired him as a cadet. We saw great leadership from him during our time there and in his briefings and believe that his intentions are true and the Academy's intentions are true. They want to fix this problem. We do recognize that he made mistakes as well, and so did the institutions, just like we all do.

And because of this, I feel like I can't come to Congress and talk to you and tell you these problems and not take any action to fix them if I was truly passionate about the issue, that I can't sit here and say that these things are wrong without trying to fix them myself or trying to do something that would do that where I can come back as a leader and make a change.

Ms. Speier. Thank you. I yield back.

Mr. Coffman. Dr. Wenstrup, you are now recognized for 5 minutes.

Dr. Wenstrup. Thank you, Mr. Chairman.

I want to thank all of you for your leadership and being willing to come here and educate us on problems that clearly exist and help us try and be part of the solution as best that we can. And I admire your bravery through all this.

Truthfully, the questions I would have asked have already been asked, so I won't put you through it again. But thank you for stepping forward and being the true leaders that you are and brave souls. I appreciate it. Thank you.

Mr. Coffman. Mrs. Davis, you are now recognized for 5 minutes.

Mrs. Davis. Thank you, Mr. Chairman. And, Mr. Chairman, I certainly did have a lot of questions.

Thank you so much to all of you for being here. I think if there is anything I take from this is that I am glad that you can point to a few areas in which there has been some change, but clearly not enough. And I think that we all have to be very cognizant of that.

I am really more inclined to want to just go ahead and move on with the next panel, because I hope that you all can stay at least for a few minutes, because I am certainly interested in some of the reaction.

But there are a few things that I was glad to hear. The special victims' counsel, that I think, generally, I sense that that is a good thing. And we know that that is also a model that has been picked up at the universities, in some universities. We are pushing for more. But I am glad to hear that that is positive. I would be very interested in knowing how we can progress it even more to speed up any of the best parts and get rid of some of the problems that might have occurred.

The unit climate is also very important, and we talk about retaliation. I think I would love to know more about how we have a zero-retaliation environment. And my sense has always been that it is on whoever is in leadership within that that sets that tone, and we have got to change that.

The fact that you could be in a sports environment, Ms. Bullard, and not have anybody getting your back, you know, that, in addition to the service mentality, and that, you know, it is a family, the fact that you would not have your co-sports men and women helping you out, that they weren't sensitive enough to that, tells me that leadership in that environment was such that that is where the changes have to be made.

So then the question is, how do we make that happen? Is it the training that is going on, not among the people involved, but the leadership? So how should that change? So I will let you answer that.

And also the whole idea that anybody who has been leading a group of people, recruits and cadets, and had a case under their leadership that was not handled well, the fact that they would advance in leadership has always been something that I just don't understand. We have got to get at that. You know, people should have a fair hearing, but we also don't want people to advance, number one, who have been a perpetrator, but, number two, who have been in leadership when that kind of crime has taken place.

So I think that is sort of where I would hope that perhaps

we can discuss a little bit more in the next panel. But, please, I have a minute and a half, could you respond?

Ms. Craine. In regards to the command climate, I have never been called a DUB. I have never experienced anything like that at my time at the Academy. And when I took hold of my case and had confidence and didn't fear anything about it, I received the most support from the midshipmen at the brigade.

Ms. Bullard. I would have to agree with you that it comes from leadership. And in my resignation to General Caslen, I told him that there needed to be new leadership and a new culture and that was the problem. The head coach is a civilian, and he doesn't necessarily--he understands the gist but doesn't necessarily understand the military very much. And bringing that into an NCAA [National Collegiate Athletic Association] sport is hard. I mean, how do you establish a military environment but also have an NCAA sport?

So I think it is a double-edged sword. And as Ms. Kendzior said, you know, it is kind of like the guys are better than the girls. And that is the thought on the team, that they are better than the girls and they are two separate teams, and I don't understand how that is for an Army team.

Ms. Gross. I actually have an improvement for my piece, that with my special victims' attorney, I think I might have been the only one, maybe Cadet Craine here, who brings very valuable to the current system. It may have changed since I have been there, but they had very limited power because they were subjected--at the time, my attorney was only 2 months new to the Academy, and he was subjected to my chain of command leadership. And so he was telling me that he was feeling very restricted because he can only do so much because he had to report that to his own leadership who was being investigated for my case. So that may be something to look into. I am not sure if that has changed.

Ms. Kendzior. And I would just go back to what I said earlier, that I think it is important to train the leadership, the faculty, the coaches. I never received any conversation from my coaches reaching out to me about what had happened. So that would be a good start, in my opinion.

Mrs. Davis. Thank you all for your testimony today. It is very important. Thank you.

Mr. Coffman. Ms. Speier.

Ms. Speier. Just one question. Simply, were you retaliated against?

Midshipman Craine.

Ms. Craine. No.

Ms. Bullard. Yes.

Ms. Gross. Yes.

Ms. Kendzior. Yes.

Mr. Coffman. Thank you, Ms. Speier.

I want to thank the panel, the members of the panel, for having the courage to step forward today. I think for some of you it is a question of bringing justice to your particular case. And I think by virtue of you being here, you will help countless others. And I think everybody in this committee--subcommittee--is committed to making sure that we do our utmost to make sure that the climate and the culture of our service academies changes to where we don't experience a panel like

this in the future.

So, again, I want to thank you so much for your testimony today. And you are now dismissed.

We are going to recess until after the vote to hear the panelists, the superintendents for the various service academies.

[Recess.]

Mr. Coffman. This hearing is now called back to order.

I wish to now welcome our second panel. We would like to respectfully remind the second panel to summarize to the greatest extent possible the high points of your written testimony in 5 minutes or less. Your written comments and statements will be made part of the hearing record.

Our second panelists consists of Dr. Elizabeth P. Van Winkle, Performing the Duties of Assistant Secretary of Defense for Readiness; Lieutenant General Robert L. Caslen, Jr., Superintendent, United States Military Academy; Vice Admiral Walter E. Carter, Jr., Superintendent, United States Naval Academy; Lieutenant General Michelle D. Johnson, Superintendent, United States Air Force Academy.

With that, Dr. Van Winkle, you are now recognized for 5 minutes.

STATEMENT OF DR. ELIZABETH P. VAN WINKLE, PERFORMING THE DUTIES OF ASSISTANT SECRETARY OF DEFENSE FOR READINESS

Dr. Van Winkle. Thank you. Chairman Coffman, Ranking Member Speier, and subcommittee members, 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.

The Department is committed to promoting an environment where all service members, cadets, and midshipmen are treated with dignity and respect. Sexual assault and sexual harassment have no place in our Armed Forces and military academies. These problematic behaviors affect our people's well-being and undermine the overall readiness of our military. Just one instance of sexual assault, harassment, or sexualized misconduct can impact the trust between military members, degrade unit cohesion, and takes focus off of the mission at hand.

The strength of our force relies on the resiliency and discipline of our military members. These behaviors and tolerance of these behaviors weakens our force. Preventing criminal behavior and misconduct, providing care for service members, and holding offenders appropriately accountable continues to be a top priority. We also understand that each service and academy have unique environments, and we work to ensure they have the flexibility to implement change based on their composition and challenges.

We are a learning institution, and we are continually striving to do better. In the force at large, we have seen advancement over the past several years at our key indicators of progress. Our report released yesterday indicates that sexual assault rates in the Active Duty are at their lowest and rates of reporting are at their highest.

However, one of the things we have learned since creating the Sexual Assault Prevent and Response program in 2005 is that

context and environment matters. Our approach must be tailored to take into account unique combinations of mission, people, and environments. There is no one-size-fits-all solution to the problem of sexual assault.

Unfortunately, the rates of unwanted sexual contact increased at all three academies during this academic program year, returning to levels commensurate with what we observed in 2010 and 2012. In addition, while the trend line in the Active Duty Force shows increases in the number of members making the difficult decision to report a sexual assault, rates of reporting at the academies have not followed the same trend.

Finally, the experience of sexual harassment and retaliation is far too common at the academies.

Going forward, we will continue to work with the academies to reinvigorate their approach to prevention. This means addressing how contributing factors, such as alcohol misuse, sexual harassment, hazing, bullying, and other disruptive behaviors, impact their unique environments.

However, the absence of these kinds of negative behaviors is only part of the solution. There also needs to be the presence of strong leadership traits among the students in this space. Each student must be empowered to be role models in how they behave, how they treat each other, and how they expect other cadets and midshipmen to be treated. We owe them guidance on what right looks like.

But this is not something that can be immediately achieved with a policy. It can only be achieved through a unified effort to help our cadets and midshipmen understand the duty they have to each other in all aspects of their behavior and at all times. The academies are already working to move the needle, and they can each talk to some of the initiatives they have begun to empower students to take on this charge.

The environment at the academies is unique. As such, it is taking us longer to fine-tune our approach, and our efforts to improve prevention and reporting have not made the gains that we would all like to see.

This is not for a lack of effort and attention. Our surveys indicate that the majority of cadets and midshipmen trust the academies to protect privacy, ensure safety, and treat all with dignity and respect. We are confident that we can do more to prevent sexual assault and sexual harassment at the academies through an approach that considers the full spectrum of readiness-impacting behaviors.

In closing, 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.

[The prepared statement of Dr. Van Winkle can be found in the Appendix on page 65.]

Mr. Coffman. Thank you, Dr. Van Winkle.

Lieutenant General Caslen, you are now recognized for your opening statement.

STATEMENT OF LTG ROBERT L. CASLEN, JR., USA, SUPERINTENDENT,  
UNITED STATES MILITARY ACADEMY

General Caslen. Thank you very much, Chairman Coffman, Ranking Member Speier, and distinguished members of the subcommittee. It is an honor to be here today representing the United States Military Academy community.

I know that today we are here to address the recent sexual assault and gender relations survey results and to provide the committee with details about the work we continue to do to improve the support we provide to victims of sexual violence, but also the very crucial aspect of creating a climate that does not allow these events to happen in the first place.

As a start point, I want to say that the experiences that Ms. Bullard and Ms. Gross shared with you are things that we never want to happen to anyone at West Point. I admire both Ms. Bullard and Ms. Gross for their moral courage and their candor to come forward today to be able to talk about these situations.

I share Ms. Gross' concern about the open-door policy, and as much as she agonized not talking to me, I shared the same feelings that I was unable to talk to her because of pending action that I had to preside over, to include a DOD IG investigation for reprisal.

But we learned a lot from both of them and from their experience. We learned about special victim counsel and the work that a special victim counsel does in these investigations. We learned a lot about interview techniques. We learned a lot about advocacy and advocacy methods that build trust as compared to what you heard from Ms. Gross and Ms. Bullard.

We also learned a lot about the cycle that a victim feels as they go through isolation and ostracism and then misconduct and then further isolation until the point where they finally bottom out and are ejected. We learned about the commander's responsibility to be able to identify where that cycle occurs and then to prevent that ejection from happening.

Our strategy to build and maintain a solid response to sexual harassment and sexual assault addresses prevention, victim advocacy, investigation, assessment, and accountability. We believe we have made great strides in advocacy, investigation, accountability. This past year, our reporting has nearly doubled, a very positive sign that our work to improve the climate is beginning to take root.

However, we must focus more on primary prevention, efforts that stop the crime from happening in the first place. As part of that effort, we hired an external organization to assess our programs and offer recommendations in how we can improve.

We acknowledge that the only cause of sexual assault is the criminal committing a crime, and we accept that we must create a command climate where everybody is treated with dignity and respect, everybody feels that they are a valued member of the team, and everybody feels secure both physically and emotionally.

Prevention education must integrate purposeful discussions about building and maintaining healthy relations and tough conversations about consent and sexual encounters. These issues are part of what makes collegiate environments so challenging in terms of sexual violence prevention. However, education and skill building, which are two keys to successful prevention

programs, are also part of the college experience, and we therefore continually explore ways to modify our programs to respond to these factors.

For example, over the past few weeks our SHARP and our Cadets Against Sexual Harassment and Assault hosted a sexual assault awareness and prevention month of activities, which included Mr. Tony Porter, a screening of the movie ``Audrey & Daisy,' ' Denim Day, Take Back the Night, Survivor Speak Out, Walk a Mile, and other events and other work with our local rape crisis center. These events were well attended by cadets and community members and raised awareness about sexual assault and reinforced how prevention is everyone's responsibility.

As a member of the NCAA Board of Governors, I was asked to co-chair the Commission to Combat Campus Sexual Violence because of the military academies' recognized programs and initiatives and experience in dealing with these issues. There is much work to be done to shift the tide of sexual violence on college campuses, and it is an honor to be a part of the work at the national level, both through the NCAA and at West Point.

Finally, we still have a lot of work to do to eliminate sexual assault and sexual harassment. We have not stopped working on this issue, and we won't. I hope that as I have the opportunity to answer your questions today it will become clear that our mission at West Point is to develop leaders of character who are committed to the values of duty and honor and country and are prepared for a career of professional excellence in service to the Nation as an officer in the United States Army. Thank you.

[The prepared statement of General Caslen can be found in the Appendix on page 72.]

Mr. Coffman. Thank you, Lieutenant General Caslen.

Vice Admiral Carter, you are now recognized for your opening statement.

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

Admiral Carter. Chairman Coffman, Ranking Member Speier, and distinguished members of this committee, thank you for inviting me to discuss the Naval Academy's sexual assault prevention and response efforts. At the Academy, we have a responsibility to ensure that every single member of the Brigade of Midshipmen is afforded an opportunity to develop professionally in an environment which fosters dignity and respect.

Additionally, we produce one-third of our service's unrestricted line officers every year. If we get it right, and we have every intention to do this every year, we can be the custodians of the core values of the Navy. We can set the standard for professionalism, for honor, for integrity. We can graduate and commission young junior officers that will inevitably influence the overall culture of the Navy and the Marine Corps.

Despite dedicated efforts by the Naval Academy leadership and the Brigade of Midshipmen, we continue to experience incidents of unwanted sexual contact within our ranks. While the recently released Annual Report on Sexual Harassment and

Violence at the Military Service Academies shows the Naval Academy's prevalence of unwanted sexual contact in 2016 was below of that 2010 and 2012, there was a significant increase in prevalence from the progress reported in 2014. We can and must do better.

We have an extensive sexual assault prevention program at the Naval Academy. Each midshipman actively participates in over 30 hours of education and training during their 4 years at the Academy, starting on the first day of Plebe Summer and culminating with the completion of a character capstone event during their senior year.

The heart of our prevention effort is the Sexual Harassment and Assault Prevention Education, or SHAPE, S-H-A-P-E, program, a peer-led small group mentorship program. Our SHAPE program has evolved over the last several years, and based on evidence-based research in the field, data from these annual reports, student and facilitator feedback, and best practices of other institutions. Additionally, we have incorporated sexual harassment and sexual assault prevention into our formal education curricula.

We recently evaluated our prevention program against the recommendations set forth by the Centers for Disease Control's guidelines and found that our efforts incorporate all major facets of the CDC's prevention education model with the exception of teaching healthy safe dating and intimate relation skills.

Moving forward, we will be placing further emphasis in the following three areas: responsible use of alcohol, healthy behaviors in relationships, and understanding consent.

With respect to our sexual assault response program, we continue to make steady positive progress. Sexual assault continues to be one of the most underreported crimes in our Nation. That said, reports of sexual assaults at the Naval Academy have more than doubled over the past 4 years.

Furthermore, just this past year we had 11 previously restricted reports converted to unrestricted reports, providing not only an opportunity to provide care and support for our survivors, but also the chance to hold individuals accountable for their actions. I believe this continued positive trend reflects increased trust in our system.

Despite our committed efforts and a very robust program, the recent report shows that we still have much work to do to further effect and sustain positive change. We are not where I want us to be, nor where the Navy needs us to be. There is no finish line in our sexual assault prevention and response endeavors, but I have full faith and confidence that my team will rise to the challenge.

Thank you for your time today, and I look forward to your questions.

[The prepared statement of Admiral Carter can be found in the Appendix on page 85.]

Mr. Coffman. Thank you, Vice Admiral Carter.

Lieutenant General Johnson, you are now recognized for your opening statement.

STATEMENT OF LT GEN MICHELLE D. JOHNSON, SUPERINTENDENT, UNITED STATES AIR FORCE ACADEMY

General Johnson. Thank you, Chairman Coffman and Ranking Member Speier and other distinguished members of the committee. Thank you for the opportunity to appear before you today on behalf of the future leaders of our Air Force, the cadets of the United States Air Force Academy, as well as the faculty and staff that support our mission to educate, train, and inspire these young men and women to become leaders of character in service to our Nation.

Thank you also for allowing us to attend the first panel today in the hearing. And thank you for your steadfast attention to the critically important issues of sexual harassment and assault, issues that are corrosive to our ability to successfully carry out our mission and, by extension, are impediments to military readiness.

I would like to briefly discuss some of our work in sexual assault prevention and our efforts in positive culture change at the Air Force Academy.

As has been said before today, one sexual assault is too many. We expect more of ourselves, and rightfully so, because more is expected of our graduates when they leave our campus and operate in increasingly complex, interconnected, and unpredictable battle spaces. We must hold ourselves to a higher standard. Our bottom line is that we cannot tolerate any incidents of sexual harassment or sexual assault.

The results of the 2016 Service Academy Gender Relations Survey and Sexual Harassment and Violence reports indicate that as an academy we are not yet where we want to be. We want reporting to go up, prevalence to go down, and ultimately for these incidents to go to zero. We have work to do, but based on the initiatives we have begun, we believe we are moving in the right direction.

The 2016 Service Academy Gender Relations Survey estimates indicate the number of USAFA [United States Air Force Academy] cadets experiencing unwanted sexual contact in the past year actually increased from 126 in 2014 to 150 in 2016. Both of these estimates are less than the 162 cadets estimated for 2012.

We are working toward greater clarity in these numbers to understand them better and to provide additional context, and so we also utilize the Military Service Academy Defense Equal Opportunity Climate Survey to help us better understand cadets' attitudes about reporting, prevention, and leadership's approach to addressing these crimes.

We have seen some positive trends in these areas. The 2016 Military Service Academy Equal Opportunity Climate Survey showed that significantly more cadets are willing to seek help from their chain of command compared to 2014 and showed an increase in trust at all levels of leadership at the Academy, an average increase of 3 percent across enlisted and officer leadership, academic faculty and staff, and the athletic department.

The Air Force Academy's sexual assault prevention strategy is dedicated to fostering a climate of dignity and respect with a holistic approach. To keep pace with swift changes in culture and the development of new dimensions of victimization in anonymous environments and on social media, our current and

future initiatives reflect a paradigm shift in training, focusing more on peer-to-peer approaches, grassroots efforts, and implementing evidence-based programs that use meaningful metrics to measure impact over time. And this focus is transitioning from quantity to quality and from response to prevention.

Among our prevention initiatives is the Cadet Healthy Personal Skills program for fourth class or freshmen cadets, an evidence-based program that focuses on prevention of multiple problem behaviors, including substance abuse, risky sexual behavior, and aggressive behavior.

In addition, Green Dot Bystander Intervention training has been implemented with our permanent party as part of the first phase of a 5-year Air Force-wide violence prevention strategy. Cadets will receive this highly interactive, discussion-based, and realistic training starting this summer.

And we have made significant strides in the athletic department, where each of our intercollegiate athletic teams participate in small group healthy relationships training, a judgment-free environment in which everyone is allowed to speak freely and the focus is positive.

Victim care is a fundamental priority for our SAPR program, and we have built a robust safety net for victims to ensure their emotional and physical well-being regardless of when or where sexual misconduct took place, even if it was before they came to the Air Force Academy. Thirty-eight percent of reports in 2016 were of incidents that occurred prior to military service.

Our approach to victim care includes medical care, counselors, chaplains, peer support, law enforcement investigation, and a special victims' counsel. When a victim chooses to ask for help, a victims' advocate is there to offer support and ensure all resources are available for their recovery.

We want all victims to get the help and care that they need so that they are able to continue on the selfless, ambitious path that brought them to our Academy and reach their fullest potential as leaders of character in our Air Force.

Thank you for your time, and I look forward to answering your questions.

[The prepared statement of General Johnson can be found in the Appendix on page 96.]

Mr. Coffman. Thank you, Lieutenant General Johnson.

Dr. Van Winkle, I understand that the overall Department of Defense Sexual Assault Prevention and Response report was released yesterday. How do the results of the DOD-wide survey compare to the service academy report?

Dr. Van Winkle. Thank you for the question.

As mentioned in my opening statement, within the Active Duty we are seeing indications of progress. We saw the prevalence rates--so that is the occurrences of the crime--the estimates of prevalence decreased in the Active Duty significantly between 2014 and 2016. So we are seeing a trend line down, 2014, 2016, and also 2012 is a trend line down across all of those years.

In addition, we have proportionately more people reporting than ever before within the Active Duty.

Mr. Coffman. Are you speaking to the----

Dr. Van Winkle. The Active Duty.

Mr. Coffman [continuing]. DOD-wide?

Dr. Van Winkle. Yes, sir.

Mr. Coffman. And DOD-wide includes the academies?

Dr. Van Winkle. No. The Active Duty report that was released yesterday is only the Active Duty.

Mr. Coffman. Okay.

Dr. Van Winkle. So the reports we saw, about 32 percent of Active Duty members are reporting when they are experiencing a sexual assault, that is what we estimate.

As opposed to those trends that we are seeing in the Active Duty, in the academies we did not see the same progress, where we saw sexual assault or unwanted sexual contact rates go up between 2014 and 2016. We didn't see the same progress in reporting either. So it is a different picture.

Mr. Coffman. Do you have a breakdown, though, in that survey in the same, I guess, age cohort or the same--so if you compare on the Active Duty side those between, say, 18 and 22 years old with the academies, is there a breakdown in the report that reflects the difference in age, apples to apples in terms of ages?

Dr. Van Winkle. We can provide that breakdown. I can take that for the record.

[The information referred to can be found in the Appendix on page 119.]

Dr. Van Winkle. To your point, the 18- to 24-year-old age group tends to be the highest risk group for these behaviors, and we can provide you that.

Mr. Coffman. Thank you very much.

We have just heard the compelling stories of survivors of sexual assault. Many mentioned that they were hesitant to report their assailants and that when they did they experienced retaliation. Could each of you discuss the programs in place to address these problems?

Lieutenant General Caslen, start with you, please.

General Caslen. Yes. Thank you very much. Let me first talk about--address the reprisal and retaliation, because I think that is a significant issue.

Based on the report that we just had, our reprisal facts were that 13 percent of those that had unwanted sexual contact reported professional reprisal, which means it was unfavorable personnel action or some type of personnel action was threatened to be withheld. Here is the key part: 47 percent felt ostracism and isolation.

So we are really trying to understand the depth of the issue. It is one way to understand it from the professional standpoint, but it is also important that we understand the isolation and the ostracism that occurs, because whether you see it or somebody else sees it, the victim and the survivor will see it and they will feel it. And then how do you protect them, how do you create a command climate that does not allow that to happen?

Social media and the anonymity of social media also allows reprisal to occur. We talk to our cadets all the time about having a private life that you would display on social media that is consistent with the values that you would have in

public. If you have a private life that is not consistent with your public life, that is not the type of values that America expects of leaders who will lead their sons and daughters. So that comes into effect as well.

We put into place a policy that really denies and does not allow reprisal to occur, and we are taking action against that as well. And then we continue to support the Army regulation.

Mr. Coffman. I beginning to run out of time.

Vice Admiral Carter, could you respond, please?

Admiral Carter. Yes, sir.

First of all, I want to respond to the members that were up here earlier. For former Midshipman Kendzior, who was at the Naval Academy many, many years ago, the resources that are at the Naval Academy and the situation that we have at the Naval Academy is, unfortunately, in a much, much different place and a more positive place. And as you heard from Midshipman Craine, she did not talk about reprisal and she felt compelled and comfortable reporting.

One of the things that we have done is we have moved, first of all, where you can report to our Sexual Assault Response Coordinators so that it is not collocated where they live. It is slightly outside of their living spaces but close enough that they feel comfortable going there.

The second thing I would tell you is our Midshipmen Development Center is a mental health facility that midshipmen feel very comfortable, with no stigma going to. We have sexual assault trauma counselors there, so they feel very comfortable going to them.

We also talk to the midshipmen about the responsible use of using social media and how they need to look out and protect each other. And we have seen good behavior actually occur on, you know, social sites like Yik Yak, which are now starting to close down.

So although this is still a challenge with reprisals, we feel that is--we have seen with our unrestricted reports going up, 11 have transitioned this year, as I mentioned. There are good indicators. And even in our survey, midshipmen showed a propensity to want to report more than they have in the past.

Mr. Coffman. Okay. Lieutenant General Johnson, briefly, please, I am over my own time limit, please.

General Johnson. Sir, just very briefly. We try not, likewise, try not to let the anonymous environment, let the negative stand and talk about people of character, to shut it down online. They have gone from Yik Yak to Yodel, so there is always another site for them to find, but we don't let that stand.

We do check on them every month and case management groups for our victims to cross-check across entities at the Academy to make sure there is not an action of reprisal taking place.

The special victims' counsels help very, very much, and we think as a result, we are benefiting from more unrestricted reports. If people are willing to make an unrestricted report, that means they have confidence that they won't be retaliated against. We hope that is the case. And over the last 3 years our restricted and unrestricted reports have been within five, so we think we are making progress in confidence.

Thank you, sir.

Mr. Coffman. Thank you.

Ms. Speier.

Ms. Speier. Thank you, Mr. Chairman.

Thank you to all of you for your leadership. I know that you want to do the right thing. I truly believe that. The numbers, as Dr. Van Winkle has pointed out, just don't support the kind of growth we would like to see.

General Johnson, I truly enjoyed being at the Academy with you last month. And I see Dr. Dickman is here, who I observed for close to an hour as she presented before all of the coaches from around the country, and it was a very compelling presentation.

Let me start by asking this, just yes or no. Do you believe that 90 percent of the reports of sexual assault are true?

Dr. Van Winkle.

Dr. Van Winkle. According to the data, in terms of what falls under an unfounded case, that would align, where we typically see about 2 percent in the Active Duty being unfounded, meaning that there was evidence that didn't support that the crime occurred.

Ms. Speier. General Caslen.

General Caslen. I think it is true that the victim had experienced something, and it was significant and it was emotional to that person, and it created a crisis of confidence, a crisis of security, emotional and physical security.

When you do the investigation and to determine whether there is sufficient evidence to continue for further prosecution, the facts, at least for us, is just under 50 percent will be founded, that there was enough evidence to continue.

Ms. Speier. That doesn't mean it didn't happen. It just means there wasn't sufficient evidence.

General Caslen. Yes, ma'am.

Ms. Speier. So I think that is really important.

Okay, Admiral Carter?

Admiral Carter. Yes.

General Johnson. Yes.

Ms. Speier. All right. So one of the statements that was made earlier by the first group of witnesses was a recommendation by someone who was counseling them that, basically, don't be that girl. And it was about the reference to a football player who was administratively removed, and it was found out that the victim was not telling the truth.

So that message has to change. I mean, I think part of what we need to train everyone is that most of those who file reports are telling the truth. So I just wanted to make that point.

Admiral Carter mentioned that sexual assault survivors at the Naval Academy now can take sabbaticals, which I think is really healthy. Do each of you offer that opportunity?

General Caslen.

General Caslen. Yes, we do. We do it under the consultation of all the mental health support and the chain of command.

Ms. Speier. General Johnson.

General Johnson. Yes, ma'am. Administrative turnbacks, and they may go for one or two semesters to make sure that they are

ready to come back upon consultation with the experts, as General Caslen said.

Ms. Speier. So it is not necessarily just at their request, it has to be in consultation with medical personnel? We may want to look at that.

Ms. Gross mentioned that she was interrogated for 13 hours one day and then 13 hours another day.

General Caslen, is that still going on at the Military Academy?

General Caslen. No. Ma'am, if you remember from my opening statement, we learned a lot from what Ms. Gross and Ms. Bullard had experienced. And one of the things we did learn was about the interrogation and interrogation techniques. And God forbid if we ever do something like that again.

Ms. Speier. So this report, Dr. Van Winkle made note of it, shows that 47 percent of those who were polled said that they were sexually harassed at the military academies. It is an astonishing number. And we all know, I think, that oftentimes sexual harassment can lead to sexual assault.

What are we going to do about the fact that almost half of the cadets feel they are sexually harassed?

Dr. Van Winkle. I think whether we are talking about the academies or the Active Duty, the number of cadets, midshipmen, Active Duty service members that are experiencing sexual harassment is too high.

What we know from the data is there is--we learn from it, and there is a range of behaviors that fall under sexual harassment, ranging from sexual quid pro quo to those behaviors, inappropriate comments, gestures, jokes. We know from our data that that latter point, which is persistent and severe, is what most of our members, cadets, and midshipmen are experiencing.

And I think the Department is really focusing on beginning to mobilize and empower the cadets and midshipmen themselves. And as I mentioned in my opening statement is to really empower them to start to be more invested in this area and to start to step in if they see something and to be more engaged in this so we can--we can start to address some of these issues.

Ms. Speier. Any other comments? General Caslen.

General Caslen. Yes, ma'am. We do recognize and acknowledge that people talk to each other disrespectfully, and we upgraded training programs so that you can talk about the values of our institution--duty, honor, country--and the values of our Army, which include respect. And then we have also organized so that we now have grassroot Respect officers within the companies that when incidences like this occur, they will take action.

I think you heard Mr. Russell ask the question about the Respect mentorship program that some cadets go through, that if a cadet is found to have disrespectful in one capacity or another, whether it is sexual harassment or another category, it would go through a mentorship program, and they must successfully complete it. It is a 6-month-or-so program.

Ms. Speier. General, excuse me, but my time is expired, and I just want to get the last two answers, if I could. Thank you.

General Caslen. Sorry.

Admiral Carter. Yes, ma'am. The number is too high, it is unacceptable. We have more work to do there. I will say there

are some glimmers of hope, and some of that is based on us improving the education that goes with this. Our midshipmen indicated, even in the survey, that 73 percent of the men would intervene and correct somebody that makes an inappropriate joke. And our women said 78 percent of them would also intervene.

We've held midshipmen accountable for sexual harassment. We've separated some of them, even though the reports don't match the number that indicate that's out there. I mean, we have held four midshipmen accountable through either remediation or separation, but we have to do better.

General Johnson. And ma'am, if I could add. I think the culture and climate are very much a part of this, so that is why we are really encouraged about what is happening in the athletic department with the healthy relationships sessions they have had to really talk through some of these things.

And it goes beyond sexual harassment and just relationships. We pick it up from the culture and from my minority cadets of what they--what they worry about back home. They are from some place. They are from Ferguson. They are from Jewish communities. They are from other communities where there is concern that they need to come in and make sure they all feel safe with us, and we are focused on that.

We just hired a chief diversity officer with college experience to help build bridges across our programs at the Academy as well, so that if we can have this culture of respect and dignity, we can touch all these things.

Ms. Speier. Thank you.

Mr. Russell [presiding]. And the chairman will return. He had to take an important call, but I will now recognize myself, who was next in the order, for 5 minutes.

Thank you, Dr. Van Winkle. It is good to see you again, and thank all of you for the important work you do building future leaders. While it is a sensitive topic, and it is one that is unacceptable, and we would all be in agreement of that, we can't lose sight of the fact that our Nation relies upon the product that you produce for its very defense, and that is still very, very sound, in my estimation.

One incident is too many, but the trend is down over the last 7 years, and we can take a snapshot at 2014. However, what we do see is a bit of decline since these new programs and incidents have been implemented.

Lieutenant General Johnson, you made mention that a third of the victim support is from incidents prior to military service, so would the statistics include that reporting, or is that something altogether separate?

General Johnson. Sir, there are various documents, but the one when we say have 32 reports less 30, it included----

Mr. Russell. So that----

General Johnson [continuing]. It included everything that was happening that they reported, because the reports are registered when they are reported, not when the incident happened.

Mr. Russell. I see.

General Johnson. So in these case management groups we have every month, we may have victims without subjects because the subject was someplace in a hometown or in another base.

Mr. Russell. So based on that comment, it is possible that the actual incidents in the academies would be lower than the statistical reporting. Is that correct?

General Johnson. They could be sometimes.

Mr. Russell. Thank you.

General Johnson. But we are glad the victims come to us for care.

Mr. Russell. Sure. No, I understand. And that was an important insight that I didn't realize before.

What we have heard in the previous panel, and even in some of your comments, is that the programs are sound, but the implementation still needs a lot of attention, and I think we see that attention being done.

But I also want to point out, as I look at the dates that these programs have been implemented and I look at your tenures at the academies, they seem to coincide with the implementation of these programs, and I think it is important that we get that on the record.

University statistics are far worse by comparison. It doesn't make any of the behaviors acceptable, but it is worth noting, and I think it speaks not to the failure of the military in addressing this problem, but actually that it has a 36 percent better performance rate over our universities and colleges nationwide.

And while every incident is unacceptable, I think that our colleges and institutions can learn from our service academies, particularly in the NCAA field with--and you spoke to that, General Johnson, about the teams as they are out competing, and yet their performance and behavior is almost without flaw when compared to other NCAA teams, and I think that that is also worth noting.

And so while the military has a culture of identifying problems, and it has a culture of bringing these to light because that is the culture, we can't lose sight of the fact that we see at our colleges and universities a much greater degree of a problem.

Effectiveness of academies is unique and steeped in tradition, 151 Medal of Honor recipients from the service academies. All the iconic leaders that we have seen in our Nation's history come from the Academy. That is why it important that we get this right.

But I am satisfied, as I look at some of this, that we need to learn from those that have experienced this, we need to take this, but I am not ready, as some of my colleagues may be, to say that the military is completely broken and that those that are in uniform as leaders have no compassion, no understanding, have no clue about what harassment is or that it is some culture that is going to innocently target civilians, it is going to have absurd rules of engagement or it is going to have an environment where our men and women in uniform are not respected. That is not the values that I experienced in uniform, and I think that it is important that we bring these facts to bear.

And with that, I will now recognize the lady from Arizona. Oh, I am sorry. I got out of sequence because of the sitting in the chair, and I apologize to Ms. Tsongas. Please, 5 minutes.

Ms. Tsongas. Thank you. And thank you to all of you here

today and for all the very challenging work you have to do in preparing leaders for the future. I think what makes what you do so unique is you are preparing people for a particular profession, which is why we bring, I think, such increased scrutiny to some of these issues, and I do believe it is only appropriate

And I, like Ranking Member Speier and others on this committee, do remain concerned about the high number of female cadets and midshipmen who reported experiencing sexual harassment. It is a broader issue, but it was 48 percent of female cadets who reported that and 29 percent of those females who reported experiencing gender discrimination. And for male cadets and midshipmen, the percentages were 12 percent for sexual assault and 5 percent for gender discrimination. And of all those who reported, 89 percent indicated that the sexual harassment, or just gender discrimination, was committed by another Academy student.

So given that we had these remarkable women here today who were willing to tell their stories, and I felt it was important to ask them what they experienced in the culture that they felt made these numbers possible, and I thought it was really interesting what we heard from them.

So one referenced a code of silence, that you inculcate a sense of loyalty among these young people. It is part of what they have to be in order to do their job well, but it comes with a downside, and that is the code of silence, so that you are seen to be disloyal if you come forward to report a crime or to report a harassment.

Another one mentioned that there was a sense from the outset that women were unequal, that the physical standards for women were different, that women were segregated. So rather than--so much of what you are talking about is dealing with the one-on-one issues and how to stop some of the worse behavior and give cadets, or midshipmen, the tools to deal with it. I would like to ask how you are digging down deeper so that you think about the upside and downside at the same time, and you deal with it at that level rather than as it permeates the culture and makes it so much harder to deal with.

I know this is not simple. These are institutions that have been primarily home to men for generations. We all are part of institutions in which change does not come easy. But I would really like to hear how each of you are thinking. As ever more women are coming into your academies, how you are thinking about getting it right from the outset so some of these numbers just don't rise to the level.

I know the survey covered a lot of different behaviors, none of which are appropriate in a professional environment. That is the bottom line, none of which are appropriate. And how to think about making sure that you don't have to deal with them as they happen. They just don't happen.

So I will start with you, General Caslen. And I haven't left you with very much time, so you each get a brief little opportunity to comment.

General Caslen. I will go quick, ma'am. There is a lot there. First of all, I will just say thank you very much for your question. I think we are making progress on the code of silence because our reporting this year nearly doubled, and

that means that there is a command climate where people feel that they are trusting the system better as compared to what you heard from our victims from previous years.

If you are going to change a culture, you have to change behavior, and if you change behavior, it really is through--the way we look at that is through our learning program, our educational program, and I think in the entire process that we have learned from this particular survey, that is the area that needs most of the attention.

What we fail to do, and I think you have asked what I have--we have thought a lot about this, is we failed to address the root causes, the root causes of sexual assault in our education programs. And this is--and we are now redoing our education program to address the root causes of sexual assault and to have better conversations about them.

Ms. Tsongas. Admiral Carter, I am sorry. You don't have a lot of time, but----

Admiral Carter. I have some similar answers, so I won't go over the same things that General Caslen mentioned, but part of this is understanding who you are. I mean, the demographics of who is at the Naval Academy has changed over even this time period where we heard from some of the victims. Almost 26 percent of the brigade and midshipmen are women today, so they are no longer isolated anymore. Three of the last four brigade commanders were women. It is a meritocracy, and there is no issue with that across the brigade.

Women are graduating at a much higher percentage than the men. Last year's graduation rate for women was 90.5 percent, and the men graduated 89 percent. So those speak to the actions, not the say, and I think that is part of it.

Now, of course, the education is important. Getting down to the, as General Caslen mentioned, the root causes, we still do have some work to do, and that is where we have to get after the gender bias that shows up at the beginning of induction day.

Ms. Tsongas. Quickly, General Johnson.

General Johnson. In light of your time, ma'am, I will be very brief. But in two ways, one, gender forms in the discussion, sometimes with women to be able to level with each other, they also, at the cadet level, have asked that they make sure it is not always one gender because it is not just one gender's challenge. They want to have the men in the room so we can discuss it. So those kinds of things are maturing and bearing fruit.

And just in a practical level, to something Congresswoman McSally mentioned early, boxing had always been a requirement in physical education in all the academies for the men until last year. Well, Navy was ahead of us in the 1990s, but now women box. It is the confidence you get that--the equilibrium between the programs, between the men and women are invaluable, so there is some little things that we can do that is symbolic to say we are all equals and can all be warriors.

Ms. Tsongas. Thank you, and I thank you for your service, because I was fortunate to work with you, and I appreciated those years that I was able to, thank you.

Mr. Coffman [presiding]. Ms. McSally, you are now recognized 5 minutes.

Ms. McSally. Thank you, Mr. Chairman, and thank you all for your leadership and your service. I want to continue on that line. I think most of you were at the last panel, and we have had long discussions about this issue and a little bit today, Admiral, about that culture and the root cause issues.

And again, I have experienced it. I have lived through it. I have witnessed it. And I don't have a Ph.D. in sociology, but I still believe, to this day, that somehow we are inculcating a culture of gender bias from the very beginning when we are training, and we have got to take a hard look at that.

And it is counterintuitive, because if you try and address these issues, you have got a lot of people putting heat on you, the last thing you want to do is maybe look at a double standard and say, you know what, we need to make it a little bit harder on women in order to get to this. I get that. I am advocating that you take a hard look and to see where we have any double standards, because, again, I have seen this throughout my career.

Anything that was well-intended, but, in fact, then breeds resentment, right, anything that makes it look like women are getting a break or getting easy then breeds resentment. So then you form this resentment, and then you let it cook in this environment, and then the adults go home at night and then you are wondering what is going on. And all this stuff we are talking about today about how we respond and how--and that is all great, but it is that underlying culture issue of how is it that somehow we are inculcating this potential gender bias, this potential resentment that are root causes of these issues?

I want to really encourage you and I want to partner with you because I know those are potentially hard conversations, right? But I want to be a part of that. I just want to hear your perspectives on anything that you are thinking in that area.

Again, you know, sometimes we are doing knee jerk additional training, but then what you do is you have the guys rolling their eyes saying what a waste of our time. We should be learning how to fight and kill the enemy, and now we are having to talk more about how to deal with women, and then it pisses them off more, and then that adds to more resentment and that creates more environment.

Again, I have lived through it, so I feel pretty passionate about it. What are your thoughts, General Johnson, and go down the line.

General Johnson. Ma'am, I will take a different angle on it. I think what we are seeing in these, the effective training that we are getting at for culture and climate are these small group discussions where people start leveling about how to interact with each other, and there is a lot of survey fatigue because of all the different measurements.

That is why I would like to be able to have a step back, look at it holistically and see what it is actually telling us about it. What is encouraging in some of the measures is that the confidence people have that they can go tell someone who is an officer, enlisted, or another cadet, even the cadet leaders are more confident. And those kinds of things aren't just from surveys, but instead of making more surveys, how we are pulling those together and then getting in small groups and just

leveling with them and just being frank.

And I think that is what we have been afraid to do, because you are right, they are hard conversations and they are kind of taboo sometimes, but I think that is most effective, especially with this generation. They just want us to level with them and then they respond.

Ms. McSally. Admiral Carter.

Admiral Carter. Sometimes the answer is complicated as we have been talking about. You have to find where pockets of success exist and be able to know what volume of education, what type of program you want to drive to change the behavior.

Ms. McSally. Yeah, I am not talking about training here. I am just asking you to take a fresh look at the culture and what we are inculcating from day one?

Admiral Carter. That is where I was going, ma'am.

Ms. McSally. Yeah.

Admiral Carter. We did this across our cadre of athletes across the whole spectrum, which is a third of the brigade, and we took a measured approach to go after that cadre because we knew that was a cohort that we needed to pay close attention to.

We issued them a code of conduct, or behavior, that was no different than what was already in midshipmen regulations, but made them read that and understand. We also made it happen at the coach level. And then we took the team captains, who we specifically picked, not the best athletes but the best leaders, and we take all of those athletes with the brigade senior leadership, men and women together, to Gettysburg for a two-days in-depth leadership experience, case studies, and we talk about these issues that is what is fair and equal for everybody.

We have seen, in this survey, changing behavior in our Division 1 athletes, and we have other schools approaching us as to how we are getting after that. So I haven't been able to put that across the whole brigade, but we do have a pocket of success there.

Ms. McSally. General Caslen.

General Caslen. Congresswoman, I think you have a great concept, a great thought there, the culture of gender bias. As we were talking about root causes, one of the ones I think that is related to that is what we call toxic masculinity, and it is an issue that our prevention education programs will begin to address in greater detail.

Toxic masculinity is the locker room talk. It is the person who talks about his experience, and then it creates an expectation that everybody has got to replicate an experience like that when it is really not necessarily the case.

And then coupled with that is force and coercion. So that if a couple has set boundaries and force and coercion says, keeps pressing for sex, for sex, and no, no, and then when no stops and there is no consent, and then a rape occurs. And then coupled with this other root cause is pornography, because pornography is prevalent in the--at least at West Point among the Corps of Cadets. And what pornography does is it creates objectivity of the other gender and creates an expectation of what the sex act ought to be like, and that is what has to be addressed in our root causes and education programs.

Ms. McSally. Great. Thanks. I am out of time, but I do also want to follow up with you a theme from the first panel, which is some of this peer-to-peer stuff that is going on when it comes to disciplinary potential retaliation. Again, from my view, 19-year-olds and 20-year-olds being in charge of 18-year-olds, I think we need to take a fresh look at it. Just because we have always done it that way, doesn't mean it is the way to do it, especially because we continue to have challenges in that area.

Mr. Coffman. Ms. McSally, we will do a second round if you have any additional questions.

Ms. McSally. Okay. Thanks.

Mr. Coffman. Ms. Shea-Porter, you are now recognized for 5 minutes.

Ms. Shea-Porter. Thank you, and thank you all for being here and to the first panel as well. It is very enlightening. I dated a boy years and years and years ago at the Academy at West Point, and I have to say that I am disappointed and shocked at where we have gone and where our culture has gone for this, that it is just so visible and so prevalent, and that there is like witnesses without commenting or coming forward and telling their stories.

And I recognize, I have heard the military say this before, that you are reflecting the culture at large, and I have sympathy for that, but I also recognize, just from my college days, that that is a different culture where you have a lot more authority. And I can remember when this boy I was dating was so excited about getting out that he took the elevator, and I guess in those days you couldn't take the elevator, and we lost the day together. And I remember thinking: Wow, that is really amazing.

And so you have that power and authority, and they know that. They know that. And so I am wondering how you are using that. Is that you don't always want to be in the discipline mode, I understand that, but it is a core issue here about discipline.

So I am going to ask you to tell me just two things: First of all, when somebody is applying for these schools, what conversation do you have about what happens if they sexually harass or assault?

The second question I have is: What happens when there is a case at the school? Does everybody get called in? Is this something where it is still like a group understanding that this guy is out or this woman is out, and you will be out next and reinforcing that kind of discipline of what will happen to them, because we are still not seeming to be able to scare them enough. And sometimes, you know, that fright part--I went to Catholic school as a kid. I think there is an element to that as well.

But we are missing something still, and I see you all struggling to figure out exactly, you know, when you talk about all the corps stuff, but what about that part of it? What are you saying to them when they first enter, when they apply, do they have a statement they have to sign saying you will be out and you will--all that hard work you did will be for nothing, and your family and your community will know that you lost everything because you did this? And I would like each one of

you to address that, please.

General Caslen. Okay. I will go first. First of all, in the cadet's--or the candidate's application, there is no question in the application that says did you commit a sexual assault or were you found for sexual harassment. There is not a question in that. Of course, all of our candidates are nominated by Congress.

Ms. Shea-Porter. Right.

General Caslen. And I know Congress, in their nomination process, goes through the same sort of thing to try to assess the character of the individual that is going to be nominated to the military academies, and we look at that.

We do require them to write an essay, and the essay is on character. And if in the essay we get a sense that there is an issue, then we will go back and explore it in detail, and that is our best way to gain an assessment on their character.

On the crimes, when a crime occurs, or if there is an allegation of a crime, we then begin an investigation. The investigation is with our CID, and they do a very thorough investigation, and that is assuming that you have a victim that is willing to cooperate. If you have a victim that wants to report, and then, as you know, report restricted instead of unrestricted, it is a different thing altogether, because there is no investigation at that particular point. But we don't bring everybody in and talk to them. We do the investigation as you would for any other criminal that----

Ms. Shea-Porter. Well, I understand that. If you didn't understand, let me change the way I asked that. If they are removed, if it turns out, you know, not--they have the same right to privacy until they figure out what exactly happened, but if it is determined that this happened and you remove them, do you tell the school? Because I know that happens in lots of places. As you know, we just lost our CEO, and here is why. We just lost a Member of Congress, and here is why. Do you do that?

I just--I think like writing an essay maybe on what they consider to be sexual harassment and sexual assault before they come in, just so you get a sense of it--and you know, education is important. I am not saying education is not important, and awareness, and you know, understanding culture. And I absolutely agree with my colleague who made the statements about, you know, being careful about what we breed in terms of resentment. All that matters.

But ultimately, can't we go to the front of it and say, you know, write us something about what you think constitutes sexual harassment, and tell us, you know, what you think would be crossing the line, and here is what we think so that they know when they come in.

I just think we are not driving it hard enough when they show up. And then ultimately, if they are removed, why. So I welcome the Vice Admiral.

Admiral Carter. We do a character assessment before they come in. We don't ask for an essay on sexual assault or harassment. If we have indication, and we have in the past, that somebody has been involved, then that is further investigated and that becomes an issue.

They get education from day one on what the rules are, what

the penalties are from day one, so they hear that within the first day of arrival. In terms of what education they get, we do training and present cases to the midshipmen. We call them, ``XYZ cases.' ' They are historical cases.

The caveat to that is if there is a victim in which the cases involved is still at the Naval Academy, we wait till that person has graduated or left before we bring those cases forward, but we do review those to include fleet cases, so that they can see examples of, you know, what happens to those that go through the full legal process.

Ms. Shea-Porter. Thank you.

General Johnson. Just very quickly. We also have them write character essays, but they may not know. In fact, so we hit it, you know, right away in basic training with them and said: Look, we don't know how things were where you came from, but this is how we expect to treat each other. And that is what actually generates a lot of these reports of things that happened before they came to the Academy, and then we follow up.

And because we do hit it from day one, and then all the way through the--every year, it is a 4-year developmental program to try and reinforce the consequences. And then in addition to the challenges of privacy, there is just understanding the judicial system. Sometimes, with cadets, they don't understand that if someone is acquitted, that means there is not a preponderance of the evidence. It doesn't mean the victim wasn't truthful; it is just that we didn't have the evidence. But we do have other tools that we can discipline the people with.

And what our lawyers have helped do is sit down with our commanders and try to talk to the squadrons to say here is what happened, because they don't always understand it, because of privacy things may seem as though it has been not answered, but, in fact, it wasn't communicated well enough, and our lawyers have helped us find a way to do that to avoid violating privacy but explaining to their cohorts what just happened, just as you said.

Ms. Shea-Porter. Well, I know that most of them are tremendous men and women ready to serve their country working very hard, but I think we need to think a little outside the box, and you know, put a little bit more into that mix there. And I thank you all for your service and your work trying to eradicate this. I yield back

Mr. Coffman. Thank you. Mr. Bacon, you are now recognized for 5 minutes.

Mr. Bacon. Thank you, Mr. Chairman. Thank you for being here. Sorry for being a little late. I was on the House floor speaking on this very subject for that. And I know this is a bipartisan effort. I know you share in the effort as well. We want safe academies. We want the world's best military. We want a respectful environment. I know we are working together on that.

I wanted to ask you, is there--and this may have been asked already, but I just want to make sure for the record I understand. Is there any legislation that we can pass through the HASC [House Armed Services Committee] and through Congress that would support your efforts to combat this?

I will just go down the line. Dr. Van Winkle, thank you.

Dr. Van Winkle. I think we are looking at all of these issues carefully, particularly focusing on prevention efforts as well as the issues around retaliation, sexual harassment. We learned a great deal from this report, including the emphasis that leadership has had, and the cadets and midshipmen have indicated that they see their leaders as role models. But we also see some indications of where we can move the needle a bit more within the cadets and midshipmen themselves, as well as the cadet and midshipmen leadership chain.

So we are really working to understand this issue better and how to combat it, and I think you are our partners in this, and we would like to continue to discuss with you how we can move this needle and appreciate your support on it.

Mr. Bacon. General Caslen.

General Caslen. I defer to Dr. Van Winkle and support her comments. The two areas that I get frustrated with quite often is the elements of reprisal, and the elements of sexual harassment, and some inconsistency between different various regulations and legislation, and I think if we just--we have had this conversation. We just collectively need to make sure that we define it properly for what is actually occurring and that we take the--you know, has the appropriate accountability.

Mr. Bacon. Admiral Carter.

Admiral Carter. I actually feel like I am resourced and have the right policies and tools to be able to adjudicate where necessary, and also drive the culture where it needs to be.

Mr. Bacon. Thank you. General Johnson.

General Johnson. Sir, likewise. I think we are resourced and we have the tools. I think as we look at holistically at the data we have, we can do a better job of understanding what it is really saying about where we are rather than chasing just the numbers, but to look at the trends and understand what is really effective in these programs rather than adding to them.

Mr. Bacon. We want to be your wingmen in this effort, so as you see things that we can pass that will support your efforts in doing this, let us know. And I thought an example was last month we heard there was some ambiguity in the sharing of intimate pictures where the pictures were taken in a consensual manner, but then shared in a nonconsensual way, so we want to take away that ambiguity.

So I am a cosponsor with the PRIVATE [Protecting the Rights of Individuals Against Technological Exploitation] Act. And so as we see things like that, let us know, and we will try to support it because we want to give you the right tools to be successful.

Do you have any metrics of recent metrics to show that we are having some positive results? We will just go in the reverse order. We will start off with General Johnson.

General Johnson. Well, sir, I think what we are encouraged about are these measures of trust in organizations. So at the Air Force Academy, our trust in the athletic department was really low when I arrived, and because of this healthy relationships program, this holding the athletes to the standards, similar to what my colleague pointed out at Navy, our athletic department has become really the champions in

terms of confidence and them doing the right thing. And then not just the cadets, but the coaches, that they are leaders of character, and the leadership of our athletic director has really helped with that along the way.

So, I think also the measures of culture and climate, again, trust in the mid to 90s--mid 90s of percentages. And in part, to do the right thing in case of a sexual assault and for the other cadets, those kinds of trends of trust are encouraging that we are in the right direction. Obviously, we have still got to stay after it. Thank you.

Mr. Bacon. Thank you, General Johnson. Admiral Carter.

Admiral Carter. The increase in our reporting and the significant jump over eleven reports in 2015 and 2016 that were restricted, turned in unrestricted reports, and our focus on our Division 1 and club sport athletes showed a significant change in their propensity to be in the perpetrator's side, and that was a distinct effort that we made.

Mr. Bacon. Thank you. General Caslen.

General Caslen. Well, like the Naval Academy, our reporting has almost doubled. That is really a strong metric, and we are very pleased to see that because it shows confidence within the programs and the systems and that climate.

Our substantiation rate of investigations is one of the highest in the Army, and we are very proud of that. One metric that I am very concerned about is cases that fall in the U.S. magistrate. I just can't get them to take a case to save my life, you know. I think in 4 years they have taken only one case, so I am very glad to be able to have the tools that we have as a commander.

Mr. Bacon. Thank you. Dr. Van Winkle.

Dr. Van Winkle. Yes, briefly. The infrastructure that we have right now within the academies is sound and very good. We continue to get good feedback on that in terms of the support systems we offer, the special victims' counsel and victims' legal counsel, the victim advocates, the training and education process, the infrastructure we have is very sound, and the data that we get back supports that, as well as trust in the leadership and willingness to intervene if they see something.

Mr. Bacon. Okay. Thank you. I will just close my portion by saying I know it takes leadership at every level to make this successful. Continue communications, you can't just say it once. I have learned that as a five-time commander. It has got to be repeated communications, and I know you are doing that, and it has to be at every level. But also holding people accountable as you found them guilty and let people know, hey, this is what happens when you--this guy is going to jail and don't let it happen to you. Thank you. I yield back.

Mr. Coffman. Ms. Speier, you are now recognized for 5 minutes.

Ms. Speier. Thank you, Mr. Chairman. I have a couple of quick questions. I am going to try and get this all in.

Alcohol is a component of sexual assault in 50 to 60 percent of the cases. Half the Academy student body is underage. There have been lots of examples where there is a reluctance to report for fear that you will--reluctance to report a sexual assault for fear that you will get hit for underage drinking. Have we done anything to address that at the

three academies? If you could be very brief in your responses.

General Johnson. I will jump in. Ma'am, just what we try to take into account is the egregiousness of the offense and then balance that with the trauma that it might cause to the victim and just sort it out.

So, in fact, a case of a cadet you talked to when you visited us, I think, had a letter of counseling so that she had been underage drinking. We have to uphold standards, but we have to take into account their trauma. A letter of counseling is different than if we had adjudicated in a different way, so that it goes away when they graduate but it still says you need to uphold standards, but it is not as severe as it might have been on its own.

We also would consider--there are times you consider immunity entirely, but we try to balance it out with, again, the welfare of the victim, but also upholding standards in good order and discipline, so I think that is what all of us try to consider.

Admiral Carter. We won't adjudicate a lower level conduct issue against a victim until their case is completed. We don't often look at an immunity unless it makes sense. We will come back and look at that afterwards for whatever level we have to deal on the victim's side.

Ms. Speier. Okay.

General Caslen. We are very sensitive to cases of collateral misconduct because we know that is an impediment to reporting and an impediment to coming forward for--to support the investigation. So we take--like the Air Force and both Navy said--it is significant extenuation and mitigation, and we take it all in balance. Our education program addresses that in a big way, and that is one of the root causes that we also address in that way.

Ms. Speier. Thank you. Dr. Van Winkle, I am not going to ask you to speak now, but if you could give me your thoughts at some later point in time, I would appreciate it.

[The information referred to can be found in the Appendix on page 119.]

Ms. Speier. Okay. There have been cases where victims of sexual assault at the military academy were then given antidepressants or other drugs to help them deal with the PTSD, and then because they were on drugs, were not commissioned. What are we doing about that?

Admiral Carter. I will answer first. First of all, one of the reasons we have a sabbatical program is to allow somebody to heal so they can come back and be healthy, so they can go through and go forward in a commission. So we have already had two midshipmen depart. One has come back, and that is proceeding successfully.

In some cases where somebody has had to go to drugs, we have actually had the opportunity to either hold them or waive them so they can go through a commission. So we do take that into account.

Ms. Speier. Similar with the other academies?

General Johnson. Yes, ma'am. There has to be review, and it is a medical review before they are discharged. And this also helps balance against retaliation to make sure that there is another look, unless someone has departed.

General Caslen. I am not familiar with a case at West Point. That doesn't mean it did not occur, but I will take it for the record and get back to you.

[The information referred to can be found in the Appendix on page 119.]

Ms. Speier. All right. Thank you. Midshipman Craine referenced that in her situation, I think, she was moved. It appears more often than not when there is sexual assault or sexual harassment, that it is the victim that is moved, not the perpetrator. Are we looking at whether or not that is the appropriate action?

Admiral Carter. Yeah, I would like to take that one since it was my active midshipman. We leave that, first of all, up to the victim first. As she pointed out it, it was her choice to move. Our first reaction is if the perpetrator is in the same company, we want to move the perpetrator while that person is either going through a legal review or some other process, but oftentimes the victim says, No, I would like to move, or I would like to take the sabbatical. So we make that an offer, and that is their choice.

Ms. Speier. All right.

Admiral Carter. The other point, just to finish off with Midshipman Craine. In her case, there was an opportunity for that to go all the way to court-martial. The victims actually had the choice to say, No, we will accept that perpetrator's dismissal from the Naval Academy, and that ended in a very positive way for the survivors.

Ms. Speier. One of the data points in the report showed a prevalence of unwanted sexual conduct among women with higher in the upper classes than the freshmen. So there is something going on where upper classmen believe that they can sexually assault lower classmen, and there was some talk earlier about this role that upper classmen play in managing the plebes and freshmen.

Dr. Van Winkle, can you comment on that in 3 seconds?

Dr. Van Winkle. I can try. That is a data point we are looking at because over the years, what we traditionally see is that sophomores are the class year that have the highest rates, particularly as they go from freshman year where they are fairly locked down. So we have this sophomore year effect.

This year was different with the juniors and seniors, so we really are taking a closer look at that to understand it better.

Ms. Speier. All right.

General Caslen. We think there is two reasons why that is. That has got my attention, and I am very concerned about it. It is--reason number one is now you are of age to drink alcohol, and because alcohol is such a high prevalence to potential sexual assault, at 50 to 60 percent as you mentioned, you are--21 years of age occurs when you are normally a junior or senior, so that that has something do with it.

The second thing it indicates is that those who have been in the program, or have higher prevalence indicates that our prevention programs are not producing what we want them to produce, which causes a reflection to see what we are doing and what we need to change, and that is where we need to address the root causes and address these root causes with the upper

class.

Ms. Speier. I yield back. Thank you.

Mr. Coffman. Mr. Russell, you are now recognized for 5 minutes.

Mr. Russell. Thank you, Mr. Chairman. Each of you, in your testimonies, have spoken about substantiation rates and the validity of those. General Caslen, you had even mentioned about the magistrate not taking cases. This seems to convey a confidence in the justice of the military system.

Could each of you please explain, the service academy chiefs, could each of you please explain the importance of a commander's query, 15-6, IG, CID investigations, you know, as a body of work, and if you believe that the UCMJ provides the best tool as opposed to civilian courts that we see in our universities, and yet the academies have the better performance rate.

Every time these cases come up, immediately, the Uniform Code of Military Justice comes under some type of fire, and yet what we have heard in the testimony here today is that the substantiation rates are actually pretty solid. And so if each of you could comment on these commander's tools and the UCMJ. General Caslen.

General Caslen. Well, the commander's--if an incident occurs and it is in the chain of command and the chain of command is going to do the initial investigation, that is a commander's inquiry to see if something is there.

If it is a potential crime, we are going to turn it over to the CID, and the CID will begin the investigation. If it is not a criminal act but misconduct, we will probably do the 15-6. But I will give you some statistics here of, you know, our jurisdiction and some our substantiation rates.

So looking at our CID cases over the last 4 years, to include this year, we have had--where I have had jurisdiction, we've had 47 cases. Of the 47, 21 were founded, and charges were preferred for 7 of the 21. And the other--and 8 of the 21 had misconduct administrative investigations with administrative action that include separation.

If I look at the cases where I did not have jurisdiction, there were 24, and although our CID still may have done the investigation, 8 of the 24 were founded, but since it was outside our jurisdiction, only one charge--once was charges preferred. So it is a significant difference from a case that I have jurisdiction for as compared to----

Mr. Russell. So the actual results and substantiation and even punishments were higher under the UCMJ.

General Caslen. Absolutely.

Mr. Russell. Admiral Carter.

Admiral Carter. The first thing I would say is our Naval Criminal Investigative Service increased the number of agents for not only the Navy but to also help at a place like the Naval Academy. So their timeline to get through investigations has improved just during the time I have been superintendent as an independent investigative body, and then they turn those results over to us.

Over the last 2 years, 32 unrestricted reports; 19 of which were under my jurisdiction; 10 were advised by outside judge advocate generals through my lawyers to move forward for

preliminary hearings; and of those, 7 either went through general court-martial or left the Naval Academy. So four of those actually went to general court-martial.

So again, I think those statistics are significant and shows that we are resourced properly with the right authorities.

Mr. Russell. Thank you. General Johnson.

General Johnson. So thank you. Thank you. Likewise, we have 2 of the 24 worldwide Air Force special victim investigation and prosecution capabilities at the Academy. So when our OSI [Office of Special Investigations] agents talk to our victims, they know how to do it in a way that when someone is traumatized, that they know how to discuss with them, so that it would help it be easier for them to report.

And we have 9 of the 11 agents are graduates of the Air Force's sex crimes investigator training program, so we have the specialized training to do these investigations.

And what we have seen is, is our accountability has increased. So in 2012 and 2013, we had 19 completed investigations, 3 court-martials, and 6 cadets were disenrolled, so that is only about a 50 percent accountability rate, and the next year's likewise.

But in the last 2 years, we had 16 completed investigations, 5 resulted in criminal charges, 7 were disenrolled, and 4 adverse administrative actions, so 87 percent. So--and then this last year was 86 percent. So because of the different tools we have, we can try to take it to court, and then we can also use other disciplinary tools to follow through, based on the investigations.

Mr. Russell. Well, thank you for that. And Mr. Chairman, it seems to convey that the UCMJ is sound in these cases, and with that, I yield back.

Mr. Coffman. I wish to thank all the witnesses for their testimony this afternoon. This has been a very informative hearing. There being no further business, this subcommittee stands adjourned.

[Whereupon, at 7:00 p.m., the subcommittee was adjourned.]

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A P P E N D I X

May 2, 2017

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PREPARED STATEMENTS SUBMITTED FOR THE RECORD

May 2, 2017

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[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

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DOCUMENTS SUBMITTED FOR THE RECORD

May 2, 2017

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[GRAPHICS NOT AVAILABLE IN TIFF FORMAT]

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WITNESS RESPONSES TO QUESTIONS ASKED DURING

THE HEARING

May 2, 2017

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RESPONSE TO QUESTION SUBMITTED BY MR. COFFMAN

Dr. Van Winkle. Overall estimated rates of unwanted sexual contact measured in the 2016 Service Academy Gender Relations (SAGR) found that 12.2 percent of Academy women and 1.7 percent of Academy men experienced some form of sexual assault in the year prior to being surveyed. The Active Duty measure of sexual assault in the 2016 Workplace and Gender Relations Survey of the Active Duty (WGRA) is different, but produces statistically similar results as the estimated measure of unwanted sexual contact used at the Academies. The 2016 WGRA found that 7.7 percent of Active Duty women 18 to 22 years old and 1.0 percent of Active Duty men 18 to 22 years old were estimated to have experienced some kind of sexual assault in the past year. [See page 37.]

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RESPONSES TO QUESTIONS SUBMITTED BY MS. SPEIER

Dr. Van Winkle. Each of the Military Service Academies have policies in place for addressing underage drinking and collateral misconduct when sexual assault is involved. Each individual Academy is best positioned to provide you with their exact policies and practices regarding underage drinking and sexual assault. However, most of them observe the flexible response provided by DOD Instruction 6495.02 "Sexual Assault Prevention and Response (SAPR) Program Procedures," which indicates that commanders may wait to administer accountability actions for alcohol infractions once the sexual assault has been fully investigated. The Instruction also encourages commanders to weigh all available evidence in determining appropriate accountability for collateral misconduct. [See page 52.]

General Caslen. To provide some context to the commissioning standard and USMA's approach to granting waivers; AR 40-501 (Standards of Medical Fitness), Ch 2, para 2-27-K, having a history of post-traumatic stress disorder is a medically disqualifying condition for commissioning. In situations where the condition is not significantly impairing and is under good control a waiver can be granted. The decision to grant a waiver for

commissioning is made during a Cadet's Firstie year. The fact that an individual is on medication does not determine whether or not they will receive a waiver. In the past 5 years there have not been any Cadets with PTSD secondary to a sexual assault who were not allowed to commission at the end of their Firstie year because of treatment they were receiving. Given our standard of granting waivers if this situation were to occur, the fact that they were receiving treatment with or without medication would not be the determinant factor. [See page 53.]

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QUESTIONS SUBMITTED BY MEMBERS POST HEARING

May 2, 2017

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QUESTIONS SUBMITTED BY MS. ROSEN

Ms. Rosen. Why do you assess there to be a discrepancy between the increased incidents identified in the anonymous survey and the decrease in reported cases of sexual assault and harassment? Do you believe this to be a sign that victims have a severe distrust in the system to investigate and pursue justice, and/or a fear of retaliation?

Dr. Van Winkle. The 2016 Service Academy Gender Relations Survey (SAGR) was administered to Military Service Academy students in March and April of 2016. The SAGR asks students questions related to personal experiences of unwanted sexual contact between June 2015 and the time they took the survey, which represents the past academic program year. In 2016, the SAGR found that 12.2 percent of female cadets/midshipmen and 1.7 percent of male cadets/midshipmen indicated experiencing unwanted sexual contact in the past academic program year (unwanted sexual contact is the survey term for the range of penetrating and contact sexual crimes).

The survey rates allow us to estimate that about 507 cadets/midshipmen experienced some kind of unwanted sexual contact in the year prior to the survey. During the same period, 64 cadets and midshipmen made a report of sexual assault for an incident that occurred during their military service.

Based on these statistics, we estimate that about 13 percent of victimized cadets/midshipmen chose to report their incident of sexual assault. This is down from the 16 percent estimated in 2014. While the share of cadets/midshipmen who reported their incident decreased overall, figures varied by Academy. At USMA, we estimate that about 16 percent of cadets/midshipmen who indicated they experienced unwanted sexual contact chose to report the incident, which is a small increase from 14 percent in 2014. Comparable figures for the Naval and Air Force Academies both show downward trends. The share of Navy midshipmen choosing to report their incident decreased from 17 percent in 2014 to 11 percent in 2016, while the share of Air Force cadets choosing to report decreased from 17 percent to 12 percent during the same period. The survey data collected by the Department does not lead us to conclude that cadets/midshipmen have a severe distrust in the system to investigate and pursue justice. Rather, cadet/midshipmen responses to the survey indicated that the top reasons for not reporting a sexual assault allegation were they:

Thought the incident was not serious enough to report.

Took care of the incident themselves by avoiding the person who did it, forgetting about it and moving on, or confronting the person who did it.

Did not want more people to know about the incident.

Cadets and midshipmen who do decide to report endorse reasons that imply some confidence in the military justice system. For example, one commonly endorsed reason for reporting for female cadets and midshipman was to stop the person(s) (i.e., the accused) from hurting others. (Men's reasons for reporting were not reportable due to the small numbers of cadets/midshipmen in this survey category). In sum, the Military Service Academies are unique environments that present a number of challenges.

Leadership at all levels of the Department is committed to better understanding these unique factors and spurring greater reporting of the crime.

Ms. Rosen. What do you believe are the best measures to increase victims' confidence in the value of reporting, better protect them from retaliation, and foster a command climate where unwanted sexual contact is not committed against our brothers and sisters in arms?

Dr. Van Winkle. The number of Active Duty Service members who report a sexual assault has increased over the last few years following senior leadership emphasis on the Sexual Assault Prevention and Response (SAPR) program, enhanced victim support services and protections, legal representation for victims, and changes to the military justice system. These changes have also occurred, over time, at the Military Service Academies (MSA). However, the unique demographic and environmental factors at the MSAs require an approach directed at young adults in a collegiate setting.

Evidence suggests that greater cadet/midshipman involvement with the SAPR program may be essential to increased reporting and command climate improvements. The 2016 Service Academy and Gender Relations Survey asked why cadets and midshipmen who reported their sexual assault did so, and the survey allowed them to choose more than one reason. The survey found that nearly 70 percent of female cadets and midshipmen indicated that they reported the situation because someone they told about the sexual assault encouraged them to report. More than one-third indicated that they officially reported the situation in order to stop the alleged offender(s) from hurting others. In addition, about a quarter indicated that they reported to raise awareness that [sexual assault] occurs at the Academy. These findings suggest that those who made a report did so because they experienced some kind of external motivation. While each of the MSAs has a peer-led program that promotes the SAPR program, greater acceptance of the tenets of the SAPR program--dignity and respect--throughout the student body may encourage greater reporting, an improved climate, and ultimately, fewer sexual assaults.

Ms. Rosen. Why do you assess Air Force Academy reporting to be significantly down while Annapolis and West Point have greater reports of unwanted sexual contact? Why are reports of sexual harassment down for all three?

Dr. Van Winkle. Sexual assault reporting: We respectfully defer to the Military Service Academies to explain their year-to-year changes in the number of reports. Historically, United States Air Force Academy receives the largest number of sexual assault reports, but the totals have also fluctuated from year to year. Overall reports at United States Military Academy and United States Naval Academy show a small but steady increase over the past several years.

In addition, the Department estimates the rate of reporting using data from official reports and comparing it to prevalence estimates from the Service Academy Gender Relations (SAGR). About 16 percent of cadets at USMA

who indicated that they experienced unwanted sexual contact on the 2016 SAGR subsequently made an official report. This is an increase from 14 percent in 2014. Comparative reporting rates for USNA show a decrease from 17 percent in 2014 to 11 percent in 2016, while figures for USAFA show a decrease in the reporting rate from 17 percent in 2014 to 12 percent in 2016.

Sexual harassment reporting: The behaviors that constitute sexual harassment do not always rise to the level of criminal misconduct, and therefore these behaviors require a different response than sexual assault behaviors. Department policy encourages resolution of sexual harassment allegations at the lowest interpersonal level, meaning that cadets and midshipmen can address sexually harassing behaviors themselves, or by involving leadership. The formal and informal complaint processes in place at the Academies provide additional support and resources to address these problem behaviors.

This statement is supported by results from the 2016 SAGR. Forty-three percent indicated they took care of the problem themselves by confronting the person who harassed them.

Ms. Rosen. Why do you assess there to be a discrepancy between the increased incidents identified in the anonymous survey and the decrease in reported cases of sexual assault and harassment? Do you believe this to be a sign that victims have a severe distrust in the system to investigate and pursue justice, and/or a fear of retaliation?

General Caslen. The national average of case incidents to reports is roughly 1:6. USMA's average is generally 1:4. We believe that the increase in reporting we have seen this year is a key indicator that our Cadets are becoming more confident and trusting of the reporting process. We've seen an increase of over 50% from last year's reporting numbers. The issue of whether victims don't report as frequently as we'd like has much to do with what victims want and when. Justice and accountability are not usually immediate priorities for most victims, especially if the incident is not recent. The important thing we have focused on this year is key changes we made to our policy allowing third party disclosures without triggering an investigation and the establishment of a private, easily accessible SHARP Resource Center. We believe these changes have contributed directly to the significant increase in reports for AY16-17.

Ms. Rosen. What do you believe are the best measures to increase victims' confidence in the value of reporting, better protect them from retaliation, and foster a command climate where unwanted sexual contact is not committed against our brothers and sisters in arms?

General Caslen. Providing victims with support and assistance as they navigate the aftermath of a sexual assault incident is our primary effort within the Advocacy Program. Victims' needs are our first priority and while we prefer that every incident that occurs is reported and investigated, we know that in dealing with the crime of sexual violence that is not a reasonable expectation. These crimes cut to the core of the victims, and our key message is that Advocacy is done at the victims' cadence. When they are ready to move forward with an investigation, we make that transition in our assistance to them through the investigative and legal process. A key element to addressing retaliation and building a healthy command climate to protect victims who have reported an assault, are around increasing empathy and respect for any parties involved in a sexual assault incident. Many times behaviors that a victim experiences that feel like isolation and retaliation are a function of the fact that as they withdraw from their social circles due to being wary of who they can trust, which makes their social network uncertain about how to interact with them. It is a fundamental human reaction to withdraw in response to someone withdrawing. This natural human experience on both sides of a situation like a sexual assault will certainly create a

sense of isolation that the victim will experience. The challenge for us in education is to highlight that while this may be natural, it is important for those who know anyone involved in an incident of sexual assault to be cognizant of how much peer support means in the overall experience of recovering one's sense of self-worth and dignity following this sort of personal trauma. We need to explore these issues in a healthy and productive manner within our education program and provide Cadets with strategies to manage the social discomfort that occurs in a small cohesive groups where an incident has occurred.

Ms. Rosen. Why do you assess Air Force Academy reporting to be significantly down while Annapolis and West Point have greater reports of unwanted sexual contact? Why are reports of sexual harassment down for all three?

General Caslen. We look at the increase in our reported incidents as a strong indicator that Cadets believe they will receive the support they need and want, regardless of whether they report restricted or unrestricted. We look at this over time as a key indicator that our Advocacy, Investigation and Accountability processes are effective and we continue to build on these successes. This is what we know about USMA's reporting. We do not have enough information about the issues at the other MSAs to make an assessment as to why these reporting differences exist. Sexual harassment reports are likely down because in our education program we discuss three ways to deal with harassment, one being directly confronting the harasser. This may be one reason the reports are decreasing because Cadets are handling the matter themselves and the behavior stops.

Ms. Rosen. Why do you assess there to be a discrepancy between the increased incidents identified in the anonymous survey and the decrease in reported cases of sexual assault and harassment? Do you believe this to be a sign that victims have a severe distrust in the system to investigate and pursue justice, and/or a fear of retaliation?

Admiral Carter. There are many reasons why victims or survivors choose not to report an incident of unwanted sexual contact. Incidents of unwanted sexual contact can range from unwanted touching to penetration. The Annual Report on Sexual Harassment and Violence at the Military Service Academies (MSA) for Academic Program Year 2015-2016 identified an increase in overall prevalence from the 2014 levels but an overall downward trend since 2010. This suggests general progress but with a lot more work to do.

For the Naval Academy, reporting rates continued to increase; we think this indicates that we are gaining the trust of the midshipmen. Notably, there were 11 conversions from Restricted Reports to Unrestricted Reports where the previous four years saw 4 total conversions. MSA Report Data suggests that the midshipmen are trusting of their chain of command. Midshipmen willing to seek help from the chain of command increased to 88%.

Ms. Rosen. What do you believe are the best measures to increase victims' confidence in the value of reporting, better protect them from retaliation, and foster a command climate where unwanted sexual contact is not committed against our brothers and sisters in arms?

Admiral Carter. The Annual Report and Violence at the Military Service Academies (MSA) for Program Year 2015-2016 indicated that our response efforts continue to improve. Reports by victims continue to rise at the U.S. Naval Academy (USNA), which we believe is an indication of increased trust in our system. Some probable reasons for this improvement can be attributed to the continued efforts of our dedicated and caring response personnel. USNA has two Sexual Assault Response Coordinators, a dedicated team of Victim Advocates, and a recently added (2013) Victims' Legal Counsel. We also have a recently added Sexual Assault Trauma Counselor at our Midshipman Development

Center to complement our continued support from Chaplains, and medical personnel, all of whom put the survivors' care as priority #1. We have relocated the Response Office out of the dormitory where all could see victims seeking assistance, to a nearby, but private location. The leadership continues to emphasize confidentiality to those that need to know, and where evidence supports, holding perpetrators accountable.

With regard to retaliation, the MSA reported extremely low incidents of retaliation. The USNA complies with the DOD Quarterly Reporting requirements of retaliation and have no reported incidences this Academic Program Year. The report did find there was evidence of peer-to-peer retaliation happening on social media. We are addressing those challenges in both our Sexual Assault Prevention and Response (SAPR) efforts and our leadership training.

Ms. Rosen. Why do you assess Air Force Academy reporting to be significantly down while Annapolis and West Point have greater reports of unwanted sexual contact? Why are reports of sexual harassment down for all three?

Admiral Carter. We do not know what the reasons are for the decline at the Air Force Academy, however, our increase in reports is viewed as a sign that we are successfully increasing the trust of our midshipmen and active duty Sailors to come forward and seek help. The success of our response efforts must now be complemented by positive efforts in our prevention program.

Our midshipmen tell us that the reason that sexual harassment reports are decreasing is that they want to handle those situations on their own. Our prevention education gives them tools to address attitudes and beliefs and confront harassment situations at their level. Those skills are important as we prepare Junior Officers to lead in the Fleet and Marine Corps.

Ms. Rosen. Why do you assess there to be a discrepancy between the increased incidents identified in the anonymous survey and the decrease in reported cases of sexual assault and harassment? Do you believe this to be a sign that victims have a severe distrust in the system to investigate and pursue justice, and/or a fear of retaliation?

General Johnson. Though the prevalence of sexual assault for Academic Program Year (APY) 15-16 went up and the reports went down, the overall trend for both has been relatively stable over the last 10 years, with prevalence trending down and reports trending upwards. This indicates a trust in leadership and the military justice process, and most cadets who formally report a sexual assault indicate that they would do the same again. The Service Academy Gender Relations (SAGR) anonymous survey also reports that cadet have confidence in their leadership to take reports seriously, protect their confidentiality, and ensure their safety. At the military service academies, as with society as a whole, most survivors of sexual assault never tell anyone about their assault. Reasons vary from not wanting others to know about the incident to feeling it was not serious enough to report. Unwanted sexual contact, as defined by the Uniform Code of Military Justice (UCMJ) as well as the SAGR survey, includes behaviors along a continuum of harm, from unwanted sexual touching to rape. Some individuals may not report instances that fall along the touching end of the spectrum, and in fact the SAGR showed that 40% of cadets addressed the unwanted behaviors themselves when it occurred. Further, 38% of reports in 2016 were of incidents that occurred prior to military service, and we support victims with our programs regardless of when or where sexual misconduct took place. The reports of prior assaults are also a sign of trust in the system and in leadership. At USAFA, we follow every court case with a statement from leadership that includes guidance from Judge Advocate (JA) to ensure cadets understand the process and support those who come forward to report these crimes. When a victim chooses to ask for help, whether through a restricted or unrestricted

report, we immediately offer support and ensure that all resources are available for their recovery. All incidents across the spectrum of harm are reported and taken seriously. Our multifaceted approach that includes education, accountability, and a robust victim support system is central to our effort to foster a positive climate of trust that is free from the fear of retaliation.

Ms. Rosen. What do you believe are the best measures to increase victims' confidence in the value of reporting, better protect them from retaliation, and foster a command climate where unwanted sexual contact is not committed against our brothers and sisters in arms?

General Johnson. One way in which we are looking to increase victim confidence is enhancing our communication to cadets about outcomes of cases that did not go to court-martial. We have a strong process in place to advertise and educate about court-martial outcomes, but given that most cases are resolved outside of the court-martial process (unbeknownst to most cadets), we are exploring ways to communicate those administrative outcomes, while also protecting privacy, so that cadets understand that accountability can take many forms. Many of those forms of accountability, even though not courts-martial, are based on the input and desires of the victims, and not all victims view a court-martial conviction/jail as the optimal outcome. This also helps to educate cadets about due process, and shows that no matter what the outcome there is a process in place to balance the rights of the victim and the accused. When individuals truly understand the dynamics of offending, and victimization and reporting is seen and valued as courageous, victims may have more confidence to report. When victims trust that they will be believed and supported they are more likely to tell others, formally through reports or informally for support. When sexual assault is no longer seen only as a female issue we may see more men reporting and less women being ostracized for being a victim of a crime. When victims see that justice, however they define it for themselves, whether through the legal process, being heard, or being supported to heal, does come from reporting, others will see the value in reporting. When all, and not just victims, see the value in reporting, we will reduce retaliation. Until then, we ensure victim privacy and provide support emotionally, psychologically, legally, and academically, and we will actively address issues of retaliation if they should occur.

At USAFA, we are building the proper foundation for a climate where sexual assault is not committed or tolerated, and it starts with education and leadership and character development. Leaders at all levels are charged to foster a climate that eliminates sexual assault and develops a force that shows respect for all human dignity--owning the problem across every mission element, from top to bottom.

Ms. Rosen. Why do you assess Air Force Academy reporting to be significantly down while Annapolis and West Point have greater reports of unwanted sexual contact? Why are reports of sexual harassment down for all three?

General Johnson. USAFA's reports have fluctuated more than the other two academies, which have a steadier incline, yet USAFA consistently has the most reports of sexual assault, to include in APY 15-16. We all have the goal of increasing reports and supporting victims as they make the decision to report. The 2016 Military Service Academy Defense Equal Opportunity Climate Survey (MSA DEOCS) shows that 61.8% (57.3) of the people who experience sexual harassment did not report the incident to anyone. Of those people who experienced sexual harassment at USAFA and did not report, 66.7% (72) of men, and 71.4% (71) of women did not report because they did not think it was important enough. 33.3% (12) of men and 25% (29) of women listed fear of reprisal. The MSA DEOCS does not give a clear indication of where that reprisal might come from regarding specifically sexual harassment; however,

Table 28 did show 45.3% (39.4) of men 58.9% (58.1) of women selected negative social outcomes for reporting fellow cadets for misconduct. Although, not specific to sexual harassment, these numbers lead Equal Opportunity (EO) to believe there is a fear of reprisal from the cadets' peers, creating an environment where men and women do not believe the issue was important enough, considering the social ramifications. Culture change in cadets measuring professionalism versus social pressures is essential, as well as creating trust in leadership, the EO office, and other helping agencies is a critical challenge. The measures we have taken thus far were to move the EO office closer to cadet area, and implementing an increase of EO training for leadership and cadets.