

RECORD VERSION

**STATEMENT BY
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SUPERINTENDENT OF THE UNITED STATES MILITARY ACADEMY**

BEFORE THE

**HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL**

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**ON SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAMS AT THE
MILITARY SERVICES ACADEMIES**

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COMMITTEE ON ARMED SERVICES**

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.

West Point's mission is to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army. I have always maintained that you can be a competent leader, but if you fail in character, then you have failed at leadership. Therefore, character development is the most important thing we do at West Point.

To that end, one of my top priorities as Superintendent is the elimination of sexual harassment and sexual assault. I am committed to creating a command climate where everyone, regardless of gender, ethnicity, sexual orientation, faith or no faith, is treated with dignity and respect, feels like they are a valued member of the team and feels secure both physically and emotionally. Just as importantly, I am also committed to developing leaders who will do the same with the platoons and companies they will command once they leave West Point.

Our work to eliminate sexual harassment and sexual violence at West Point is an ongoing and dynamic program. We see constant changes, with a myriad of factors that influence this generation's culture. Some of these factors we can control, while others we absorb anew each year when we welcome each new class of cadets. As an example, we know that we need to integrate purposeful discussions about building and maintaining healthy relationships and have tough conversations about consent in sexual encounters. These issues are part of what makes collegiate environments so challenging in the area of sexual violence prevention. The flip side of this challenge is that college prevention programs also hold a lot of promise, in that education and skill building, two keys to successful sexual assault prevention programs, are part of the college experience. As a result, our team continually explores ways to modify our programs to respond to these factors.

The recent Service Academy Gender Relations Survey (SAGR) results are very helpful as we understand the men and women entering West Point. While the 2016 survey results for unwanted sexual contact are consistent with the results we saw in

2010 and 2012, the increase between 2014 and 2016 is concerning. All three military service academies (MSAs) saw a decrease in the 2014 survey, and then again all MSA's saw an increase in prevalence in the 2016 survey. West Point had the lowest prevalence for men and women among the three MSAs, but the truth is, one assault is one too many and the work we have to do is far from over. Some of the measures on the surveys have changed over the years, but we see the results as one of the best tools we currently have to understand the culture within the Corps of Cadets. Despite all the work we've done to create an effective program to reduce sexual assault and sexual harassment, the increase in prevalence we have seen only solidifies the growing concern I have had over the past year whether we are implementing the correct strategy that changes behavior at West Point. We know we must be more intentional and targeted in the solutions we apply to ensure a more safe and wholesome environment in our community. In that regard, I would like to share with you some of recent accomplishments related to policy and changes in the command climate, as well as provide a way ahead to bolster our comprehensive SHARP strategy.

I would also like to mention that I am a member of the National Collegiate Athletic Association (NCAA) Board of Governors, and in that capacity I co-chair the NCAA Commission on the Elimination of Sexual Violence on College Campuses in America. The commission includes university and college presidents, athletic directors, coaches, advocates, victims, and legal experts in the Title IX field and in the area of sexual violence on college campuses. The NCAA asked me to co-chair this commission because of the military academies' recognized programs and initiatives, and experience in dealing with these issues. Co-chairing this commission allows me to engage with the latest proven methods, programs and experts in this field, and to bring some of these models of success to our programs at West Point.

First, I would like to share the perspective we have embraced related to the comprehensive nature of our program. We have worked within Department of Defense (DOD) guidance to create a program that aligns with the five lines of effort outlined in the DOD Sexual Assault Prevention and Response (SAPR) Program: Prevention, Investigation, Accountability, Advocacy and Assessment. This strategy has been the guiding paradigm for our work since its inception in 2013. This approach allowed us to

build strong, supportive, victim-centered processes and systems to respond to reported incidents of sexual assault and sexual harassment.

We understand, through recent work to better shape a comprehensive Sexual Harassment and Assault Response & Prevention (SHARP) Strategy, that these elements (response and support to victims of sexual assault immediately upon report and in the long term as well as strong investigation/adjudication processes for every reported incident) are key to creating a comprehensive and successful Sexual Assault Prevention Program. We have implemented several strong initiatives to further strengthen our efforts to support victims of assault and harassment, as well as our ability to effectively investigate reported incidents, working within the wide array of options available through the UCMJ and administrative measures to build confidence in the system across the entire community. I'll address each initiative and what we think its impact has been to the increase we have seen in the number of victims who have trusted the system to make a report, as well as those who have made the decision to change restricted reports to unrestricted.

I want to make a point specifically to the distinction between prevalence and reporting of sexual violence, because I feel there has been a lot of confusion about this distinction after the survey results were released. The SAGR survey results show that all three MSAs saw an increase in the prevalence of unwanted sexual contact from 2014. Specifically at USMA, we also showed an increase in reporting. Prevalence estimates are based on the number of victims who indicated on the Service Academy Gender Relations Survey that they experienced unwanted sexual contact in a given academic year. Reporting is just that - the number of victims of sexual violence who trusted our system enough to report the incident with a Restricted or Unrestricted Report. Research conducted by the Department of Justice has found that only about one out of four or five incidents of sexual violence are ever reported in the civilian sector. We understand that some victims may never want to report and we must respect that very personal choice. Ultimately, we would like every victim to feel confident enough to report an incident. I personally believe that any increase in reporting, regardless of whether it is restricted or unrestricted, is a good thing. It is a strong signal that our program is taking root and that our cadets trust the system and

their leadership enough to make the report. I expect that we will continue to see an increase in reports for the foreseeable future.

I'd like to spend a few moments sharing with you some of the progress we've seen in several key areas of our program.

So far this academic year, we have seen a 50 percent increase in reports as compared to the last three years. We believe this is the result of several key initiatives designed to create more trust and confidence in the victim support, reporting and investigative processes.

POLICY CHANGE – EFFORTS TO IMPROVE REPORTING:

One of our key changes in the area of improving our Secondary Prevention efforts was a revision of our SHARP Policy, which brought USMA into compliance with DOD Instruction (DoDI) 6495.02. The change allows what is known as "Third Party Disclosures." USMA defines Third Party as anyone who interacts with a victimized cadet and does not hold command authority, such as instructors, coaches, sponsors and cadet peers. These disclosures are not considered confidential reports, and can be subject to investigative discovery as the Criminal Investigation Division (CID) deems necessary. We have seen a marked increase in calls to our SHARP team from personnel in these Third Party groups with knowledge of a situation they believe to be a sexual assault. Our professional SHARP staff members are then able to provide advice and expertise to the concerned individual about how to support the victim, and the options available for reporting. Nearly every case of a phone call like this has resulted in the cadet ultimately making a report. Many are restricted, and again, we believe this is a necessary and safe first step for many survivors of sexual violence. We never want a victim to feel like their hand is being forced. We work very hard to keep our support and response system victim-focused.

Another major policy change this past year is removing cadets in the chain of command from a mandatory reporter status. In many cases, we saw cadets who did not want to come forward, and even some who eventually did make a report. In the past, when cadets had information about an assault, it was very difficult to keep that information private and confidential. There have been cases where victims' identities

and the details of their assault became publically known. The impact of that lack of privacy was very traumatic to the victim, and created a lot of internal turmoil within the cadet companies. All cadets can now provide support and advice to their friends who have been assaulted, without feeling that they have to betray a confidence and report the allegation against the wishes of the victim. We have seen a huge surge of cadets bringing friends they are concerned about to the SHARP Resource Center to connect in person with the Sexual Assault Response Coordinator (SARC) or the Victim Advocate (VA) to get immediate assistance.

Another major initiative we implemented this past year is establishing a SHARP Resource Center (SRC). The previous set-up had the VA and SARC in separate but highly-visible locations on campus, in buildings either connected to senior leadership or in areas where cadets who are in some sort of trouble go for Respect or Honor violation investigative procedures. These locations were not conducive to key elements of the SHARP program's reporting structure, which emphasizes privacy, confidentiality, safety and anonymity. This new center, centrally located in the cadet area, brings the SARC and VA under one roof, so to speak, and provides all of the support and services for victims and anyone looking for SHARP-related information. It is currently in a temporary location as we continue our barracks renovation program, but we have seen such a significant positive impact in our reporting and victim assistance posture, that we've programmed the SRC into the overall barracks renovation program. Ultimately, the SRC will provide a one-stop location for victims to get assistance from advocates, as well as legal and investigative resources.

We are cautiously optimistic that this upward trend in reporting will continue due to our deliberate efforts to create a strong Secondary Prevention environment where victim needs are paramount. While we truly want each report to be investigated, we understand that for many victims, justice comes only after they have regained a personal level of confidence in the system and have developed the power and strength to begin the difficult process of going through an investigation. Our main objective is to create a program that is fully committed to supporting victims throughout the process. We are aware that the primary factor that gets victims to this place is support, and time

to process the experience, whatever that may look like for them.

ACCOUNTABILITY:

In the area of our investigative and adjudication efforts, we continue to see more than 50 percent of offenders held accountable each year, which is one of the highest substantiation rates in the Army. By substantiated, we mean evidence existed to take some kind of action against the accused, such as preferral of court-martial charges, non-judicial punishment, adverse administrative actions, and discharges/disenrollments. This is a double-edged sword: we hold offenders accountable to the fullest extent allowed by the evidence and judicial options available to commanders, but this also creates a strong hesitation among victims who allege they have experienced aggravated or abusive sexual contact (e.g., “touching” assaults - which continue to be the most common type of reported sexual assault), to report the incident. Many decide to report because they realize the impact that event had on their well-being, but usually do so as a restricted report. Victims tell us that their primary hesitation to change to an unrestricted report has a lot to do with their own assessment of the behavior as not “worthy” of the harsh sanctions that can be levied against cadets who “only” touch them. Victims see the behavior as extremely degrading and devastating, but they struggle with the reality that they were not a victim of a penetration or attempted penetration and these victims tend to categorize their assault as less egregious, or not worthy of having the perpetrator get kicked out of the Academy. Their loyalty to their peers, one of the key coping mechanisms many cadets rely on to get through the daily grind they experience as West Point cadets, creates this sense that reporting their assault and ruining the career of the offender is a tough sell. Loyalty to the Corps in these cases subsumes personal agency and personal safety. This is an area we need to integrate into our work to create more impactful and relevant Primary Prevention.

PROGRAM ASSESSMENT:

Despite all the progress we have made, the most important (and up to this point the least understood) element at USMA of an effective sexual violence prevention program has to do with our Primary Prevention efforts. Primary prevention focuses on

efforts that stop the crime from occurring in the first place. We have approached this element of our program with a behavior change model of reflection and introspection that takes place through open, candid dialogue in small group, peer-facilitated discussions. We have come to realize through our own internal assessments over the past year is that this model might be causing more cynicism than reflection, because the peer facilitator is also usually the least experienced and mature in the group and therefore inexperienced to facilitate these sensitive and reflective discussions.

Additionally, we hired an external assessment organization called EverFi, whose mission is to support campuses in making transformative impact on critical issues that impact their institutions and the lives of their students. They conducted their assessment in February and we expect to receive their final report in the very near future. In the meantime, we are posturing ourselves as an organization to immediately begin integrating their feedback into our SHARP Program Improvement Plan.

PRIMARY PREVENTION:

Up to this point, our main emphasis in educating our community about sexual violence has been very mechanical, focused on process and procedures. It has also been very negative, focusing on what Cadets should NOT do. This emphasis has placed us into our current situation where survey results tell us that while cadets understand the reporting process and, in many cases are becoming more confident and trusting of the system, it has not resulted in the change in culture we expected. It is clear that part of what we need to do is to change the narrative in our education program to focus more on creating a better understanding of how to create and maintain healthy relationships, which includes discussions and skill building around establishing and sustaining consent during sexual encounters. We continue to see unwanted sexual contact (10.2 percent for women and 1.8 percent for men in the latest 2016 survey). The past 10 years of surveys show little change over time in the prevalence of unwanted sexual contact, with one exception in 2014 when rates decreased significantly for both women and men, to 6.5 percent and 0.8 percent, respectively.

What we feel we are missing is programming that is research informed, data driven and presented in a manner that will generate the type of cultural change we want

to see. We realize that our conversations need to be targeted to our population, to what they have been socialized to believe about themselves in relationships. Essentially, we need to get back to basics and talk about why sexual violence happens. We need to create meaningful and relevant educational interactions with cadets that are aimed at changing attitudes and behaviors that lead to sexual violence. Successful primary prevention programs generate change among the college population when there is an infusion of education focused on changing attitudes and beliefs through new knowledge about sexual violence. We see this as a new direction for our program where we begin to address some of the most common attitudes and beliefs – that can be particularly challenging in a college setting.

1. Impersonal Sexual Encounters (Hook-Up Culture): This behavior, referred to by some in the scientific literature¹ as “hook-up culture,” describes the generational ambivalence towards deep personal connections. It is a function of a generation of young people who communicate and socialize through social media, texting and other methods that do not require face-to-face conversation and often lack the intent to carry a relationship beyond a sexual encounter. Most hook-up situations lack empathy or emotional connection, face-to-face conversational skills are minimized and there is a decreased capacity to be present in-real-time with other people. I am told that offenders often use the ambiguities of such situations to disguise their coercive behaviors and true intentions from their targets.

2. Alcohol: Survey data indicates that alcohol is involved in 50 to 60 percent of our incidents. Responsible alcohol use emphasizes understanding one’s own limits, as well as the impact alcohol has on potential assailants (lowered inhibitions to pursue someone sexually, more aggressive behavior if the other person doesn’t consent), as well as their potential targets (inability to willingly and knowingly give consent or act on their own behalf if the situation becomes inappropriate, etc.). This creates a scenario where force and coercion are involved and ultimately, results in a crime being

¹ Garcia, J.R., Reiber, C., Massey, S.G., and Merriwether, A.M. Sexual hookup culture: A review. *Review of General Psychology*, Jun 2012, 161-176.

committed. It's not about the risk one may experience when drinking. It's about a perpetrator taking advantage of someone's trust and leveraging a substance to commit an offense.

3. Force/Coercion: This factor comes into play all too often, as a perpetrator meets resistance from a sexual partner. The process can take on many forms, and, depending on what the relationship between the two people was prior to the sexual encounter, could range from blackmail-type statements (e.g., "You're drunk, and underage...") to challenging the "feelings" of the other person towards the perpetrator (e.g., "I thought you loved me"), to outright physical force used to disable the victim's ability to prevent the sexual act being committed by the perpetrator. Fundamentally, the inability to accept "No," "Not that," "Not now," "Stop," "Please don't," is based in a sense of entitlement, power, and belief that one deserves sex, or a very toxic sense of one's masculinity.

4. Toxic Masculinity and Inaccurate Social Norms: Some men have been socialized from the time they were young boys that sex is about pushing until the girl stops them, about what they deserve for what they put out (pay for dinner – get sex at the end), or that sex is always on the table and if someone they are with isn't into it, then it's a game to be won. Talk between men that objectifies women typically perpetuates what is usually a false narrative of having lots of sex and always getting what they want. This creates a false expectation where other men in the situation believe that they need to "produce" this same sort of story to remain connected to their social circle. Men who don't agree with such behavior, but are in the peer group, are forced to either be silent or risk becoming a target themselves: silence is part of the unsigned contract that allows men to maintain their status in their peer group. Research indicates that most men disagree with this kind of disrespectful behavior. Efforts that focus on improving social norms allow us to correct these mistaken assumptions about healthy masculine behavior.

5. Pornography: The proliferation of pornography into the digital arena as well as the objectification of women in straight pornography can for some create false expectations about sex. When those expectations aren't met, the combination alcohol,

force, and toxic masculinity can sometimes produce very bad outcomes. As a result, what may have started as a consensual encounter becomes an incident of sexual assault, because the perpetrator is unable to separate their imaginary life in porn from their real life with another human being that deserves their respect.

We must find ways to bring these uncomfortable topics into our conversations with cadets. We need to educate our cadets and the wider USMA community on the negative impacts these and other root causes have in creating and maintaining healthy relationships – friendships and intimate relationships. We need to integrate more conversations about what healthy relationships look like, how to be healthy as individuals and how that translates to healthy relationships.

SUMMARY:

We have only just begun to understand that these issues are the deep seated nature of the “why” of sexual violence. If we really expect to change our culture, we have to embrace the reality about these issues. Our programs are not addressing these issues, or root causes, as we need them to. We have numerous programs in place - SHARP Program, Character Education, Cadets Against Sexual Harassment and Assault, and others. Through these various vehicles, we provide more than 30 hours of character-based education content, in what I described above (small group, peer-facilitated discussions). These interactions with cadets are tailored to their class year and content that is relevant to their leadership positions in the Corps, but as I’ve already mentioned, the content and cadet delivery is a key issue. I have directed our Commandant of Cadets to examine what we are delivering and how we are delivering it, and make recommendations on how we can improve this very crucial aspect of our program. We believe these programs are the building blocks to implement the type of cultural change we have tried to make for the past 10 years. We also expect that the EverFi consultation feedback will address this particular issue as well and are looking forward to seeing their suggestions and best practices that are being leveraged across the country in other higher education institutions.

Systemically, we have seen that we can impact our unwanted sexual contact prevalence rates, as demonstrated in the drastic drop all the MSAs experienced in

2014. This drop was likely due to the combined impact of strongly framed education **at** the problem. There was a massive injection of high-level training events and massive stand-downs, where leaders from across DOD attacked it head on. Unfortunately, the result of this was, in my opinion, gender avoidance, where men and women stayed away from each other, in order to avoid any possibility of getting into trouble. While the training exposed cadets to the issues, it scared them away from each other. A new verb was coined: SHARP'ed. Rather than hang out in mixed-gender groups and trust themselves to do the right thing and behave respectfully with their peers, cadets would avoid socializing with the opposite gender, for fear of being reported, or "SHARP'ed." This is totally counterproductive in an environment like the MSAs, and was not sustainable in the long run. While gender avoidance accomplished the goal of lowering incidents of sexual assaults, it had the opposite effect on building teams, a critical part of the leader development process.

As we began to make other program improvements, we saw very little emphasis on the behavioral aspects that lead to sexual violence, while efforts became very process and punishment oriented. These were necessary steps in building a new social norm, but now we must focus on Primary Prevention, which is where our main effort will be in the coming months.

As I mentioned previously, our report from EverFi is expected to provide us with some very pragmatic and actionable steps to create a robust and comprehensive SHARP Prevention Program. We are anxious to integrate this feedback into the normal reset process we go through at the end of each academic year to evaluate what we did, assess the impact of our programming, and develop the actions we need to take to improve.

Again, I thank you for the opportunity to address these concerns with you today and I am prepared to answer any questions you have regarding our program and our way ahead.