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Prepared Statement
Of
Dr. Nathan W. Galbreath
Acting Director
Sexual Assault Prevention and Response Office
Office of the Under Secretary of Defense (Personnel & Readiness)

Before the

Military Personnel Subcommittee
of the
House Armed Services Committee

“An Epidemic of Fear: Sexual Harassment and Retaliation in the Military. Is it a crisis at Fort Hood?”

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Chairwoman Speier, Ranking Member Kelly, and Members of the Subcommittee:

Good morning. I appreciate the opportunity to appear before you today. I wish that circumstances were different and that we were not here to discuss the loss of a Service member. The murder of Specialist Vanessa Guillen has touched us all in some way, but no one feels her loss more than her family. I want to acknowledge personally how sorry I am that Vanessa will not have the opportunity to fulfill her personal and professional dreams. I can only hope that the groundswell of support, love, compassion, and even inspiration that has come about in the last few weeks in Vanessa's name can bring some comfort to those that loved and knew her. Many took to social media to voice their concerns and share, with great detail, their experiences of sexual harassment and assault -- experiences that they kept to themselves.

My organization, the Department of Defense Sexual Assault Prevention and Response Office – or SAPRO - establishes policy and conducts oversight on efforts to assist victims of sexual assault, encourage greater reporting, empower survivors to recover, and prevent the crime. While harassment policy, criminal investigation, and military justice fall outside my portfolio, we are keenly aware of how these issues, as well as concerns of retaliation, play a critical role in our work to prevent and respond to sexual assault.

To understand the scope of these issues, we conduct scientific surveys of the active duty population every two years to estimate the annual prevalence of sexual assault and sexual harassment. The Office of People Analytics constructs the surveys to represent the experiences of the full military population. Estimated prevalence rates of sexual assault in the Department of Defense have decreased by over a third in the

past 14 years, and reporting of sexual assault is four times what it was in 2006.

However, in our most recent active duty survey in 2018, about 24 percent of women and six percent of men indicated experiencing behavior consistent with sexual harassment in the year before being surveyed. We know we must do more.

By DoD definition, sexual harassment involves severe and persistent behaviors wherever we work, train or live that most commonly involve unwanted sexual attention, sexual jokes, unwanted disclosure of another's sexual interests or unwanted inquiries into one's own sexual activities, and undesired touching that makes one feel uncomfortable and creates a hostile work environment. It may also involve quid pro quo situations, where someone requests sexual favors in exchange for some kind of benefit. According to survey respondents, those quid pro quo situations account for less than one percent of sexual harassment experiences in the military. The other defining feature of sexual harassment is that it often occurs after the person, who is the target of the behavior, has asked the offending person to stop, and a reasonable person would find the conduct to be offensive. DoD surveys also indicate that alleged perpetrators of sexually harassing behavior are most often someone who is a peer or near peer to the victim in terms of grade. While situations do occur when people of more senior grade sexually harass those much more junior to them, these are relatively rare. As with sexual assault, most sexual harassment in the military occurs to individuals between 17 and 24 years of age, in grades E1 to E4.

Nearly half of female Service members and a third of male Service members who indicated on the 2018 survey that they experienced sexual harassment also indicated they had told someone about their experience. Most men and women indicated they

had told someone in their chain of command or in the alleged offender's chain of command. A minority of male and female respondents indicated they had reported the harassment to someone in an Inspector General's Office or in a Military Equal Opportunity role. DoD policy encourages, but does not require, members to resolve issues of sexual harassment at the lowest level. All Service members who experience sexual harassment are encouraged to seek assistance from their supervisors and leaders, or military equal opportunity professionals. Members may report sexual harassment allegations anonymously, or by a formal or informal report of the incident, if they desire.

For the half of women and two thirds of men who do not tell anyone about an incident of sexual harassment, the most common reason for not reporting is that they want to forget about the incident and move on, followed by concerns that it was not serious enough to report. As we know, both sexual assault and harassment are often unreported behaviors; ensuring members feel comfortable coming forward is of the utmost importance.

This brings me to the other topic I was asked to discuss today, and that is retaliation associated with reporting of sexual assault. Fear of retaliation complicates and degrades our efforts to encourage greater reporting of misconduct and connect Service members with restorative care. We know from our surveys that some members who report these behaviors also experience behaviors that may be considered consistent with reprisal, ostracism, or maltreatment. While not all behaviors perceived to be retaliatory by the reporter constitute retaliation that is actionable, all behaviors actionable or not are incongruent with our expectations for dignity and respect, and

gravely undermine all of our efforts in this space. To be blunt, such retaliatory behaviors are absolutely unacceptable and have no place in a military that is striving for greater dignity, respect, and inclusivity for all.

We all must do more to reduce the occurrence of sexual harassment, sexual assault, and retaliatory behaviors which are perceived to be associated with reporting. These unacceptable behaviors tarnish the reputation of the U.S. military, distract from the mission, and negatively impact our ability to execute the National Defense Strategy. After a decade of research into these problems, we know that sexual assault occurs more often in workplace climates that have higher rates of sexual harassment, workplace incivility, gender discrimination, and other problems. Consequently, we must improve the daily interaction and experiences of our people, empower and equip leaders at all levels to address and eliminate unacceptable behaviors, and encourage those who experience misconduct to seek help and report the incident.

In recent years, we have taken action to improve. The Department published the “Harassment Prevention and Response in the Armed Forces,” Instruction in February 2018. That policy covers all forms of harassment, including sexual harassment, and strengthens oversight and accountability.

Following the release of the Annual Report to Congress in May 2019, then-Acting Secretary Shanahan directed a number of actions to better address these problems. One of those actions involved implementing the recommendations of the Sexual Assault Accountability and Investigations Task Force. This group, jointly led by the Executive Director for Force Resiliency, the Judge Advocates General of the Military Departments, and the Staff Judge Advocate to the Commandant of the Marine Corps, developed 22

recommendations to improve accountability of alleged offenders, improve support to victims, and improve the military justice process. Congress included nearly all of these recommendations in last year's National Defense Authorization Act. The hallmark recommendation of the DoD's Sexual Assault Accountability and Investigations Task Force was to create a named offense for sexual harassment within the Uniform Code of Military Justice. The Department has published a proposed Manual for Courts-Martial provision creating a stand-alone sexual harassment offense in the Federal Register for public comment.

Furthermore, we recognize all of these behaviors we are discussing today – sexual assault, harassment, retaliation, and other forms of misconduct – are part of a greater challenge to ensure a culture of dignity and respect from the highest levels of leadership, down to our newest recruits. To this end, we are revising climate assessment tools to provide leaders at all levels with increased ability to identify and address conditions that increase risk for sexual harassment, assault, and retaliation. In addition, because sexual assault and harassment, as well as other disrespectful behaviors, occur between peers and near peers, we have developed specific training for those leaders who work with our youngest personnel daily – our first line supervisors and new leaders. These personnel, mostly in grades E5 and E6, must have the knowledge and tools to identify, stop, and correct disrespectful behaviors if we are to see progress. Training objectives to improve the knowledge, skill, and abilities of these newest leaders are currently being incorporated into professional military education throughout the force.

Stopping and reducing sexual assault and harassment before they occur is critical. However, prevention is much more than a training session, a lecture, or a poster. In fact, our experience underscores the limitations of a top-down, one-size-fits-all approach to prevention. Measurable change across the Defense Department is achievable only if measurable change is occurring in each Service. Therefore, we are empowering leaders and a prevention workforce by equipping them with effective prevention planning, assessment, and evaluation tools. We are also making rigorous evaluation a key component of our prevention efforts to ensure our activities yield the desired impact. These are the approaches captured in the Prevention Plan of Action directed by Acting Secretary Shanahan in May 2019 and currently being implemented by leadership throughout the Department.

As Dr. Van Winkle, Executive Director, Office of Force Resiliency, noted in prior testimony to this Subcommittee, the path we are on together is not an easy one. We all recognize true progress against harassment and sexual assault is more akin to a marathon than a sprint. We have made the commitment to being in this battle for the long run. To be frank, any progress we have realized has come from fully engaged leaders who have emphasized how important it is to ensure the workplace is free of sexual harassment, sexual assault, and retaliation, expedient programmatic and procedural changes, as well as your continued engagement on these issues. Progress with prevention is not quite as intuitive or expedient. Some argue that greater deterrence is required. Others suggest that better training and awareness of the problem is the solution. Yet others press for greater employment of inspirational speakers to win hearts and minds. All of these may be beneficial, but none of them in

isolation will take us to where we need to be. In sum, there is no single solution to the problems of sexual assault and harassment. We must all be resolved to learn how to lead and perform different evidence-based activities that help prevent sexual harassment and assault, and change behaviors that lead to sexual harassment and assault. It is through these combined efforts that we have the best chances for progress.

In policy and practice, the Department strives to foster a culture of dignity, inclusion, and respect, where all Service members feel protected and can reach their fullest potential. Achieving and sustaining that ideal is an effort that requires continuous institutional examination, reflection, and evolution. We acknowledge the gap between where we are now and where the Department desires to be; we are committed to working towards lasting, impactful, cultural change. We are doing these things because we know the Department needs to do more; that the men and women who join the military, seeking to serve our nation, deserve nothing less.

Again, thank you for the opportunity to be here this morning. I look forward to your questions.