Department of Defense
FY 2014 Report on Substantiated Sexual Harassment Incidents in the Armed Forces

PRELIMINARY

Top Level Findings

PERSONNEL AND READINESS

Processing Sexual Harassment Complaints in DoD

- Public Law (10 USC 1561) defines sexual harassment as a form of sex discrimination
  - DoD Military Equal Opportunity Program (DoD Directive 1350.2) promulgates policy guidance
  - Military services establish Service-specific policies, collecting data on formal and informal complaints
- DoD built comprehensive report identifying findings and conclusions from 1,422 formal and informal complaints, all of which were investigated

Top Level Findings

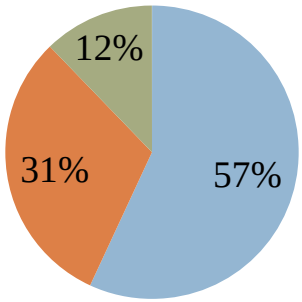
- Substantiated incidents of sexual harassment occurred at very **similar rates** in both **formal** and **informal** complaints
  - 57% of overall complaints were found to be substantiated
  - 83% of offenders were **Enlisted Service members**
    - Total offenders were most often in pay grades E5-E6
      - E5-E6 highest offender grade in formal complaints (40%)
      - E1-E4 highest offender grade in informal complaints (36%)
  - 94% of complainants were Enlisted Service members
    - E1-E4 was the highest complainant pay grade in both formal complaints (70%) and informal complaints (64%)
  - The most common location for harassment was on-duty
  - Most complaints were made within 60 days
  - The most frequent type of complaint involved crude/offensive behavior

Accountability

- **Formal Complaints → 736 Complaints Reported**
  - **57% of complaints (419) were substantiated and involved 435 offenders, who received 421 total corrective actions**
    - 48% (202) of the 435 offenders for whom command action was completed in FY14 received non-judicial punishments
    - 37% (154) of offenders received adverse or administrative actions
    - The remaining 15% (65) of offenders received court-martials, discharges in lieu of court-martials, discharges in lieu of disciplinary actions, or other adverse actions
- **Informal Complaints → 686 Complaints Reported**
  - **57% of complaints (390) were substantiated and involved 407 offenders, who received 415 total corrective actions**
    - 60% (247) of the 407 offenders for whom command action was completed in FY14 received adverse or administrative actions
    - 27% (114) of offenders received non-judicial punishments
    - The remaining 13% (54) of offenders received court-martials, discharges in lieu of court-martials, discharges in lieu of disciplinary actions, or other adverse actions

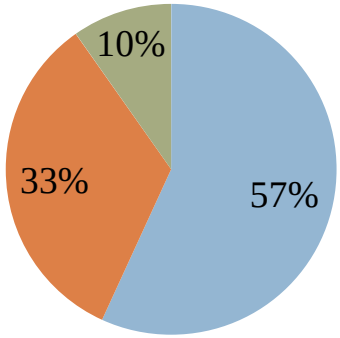
Total Reported Sexual Harassment Incidents in FY 2014

Formal Complaints



Substantiated Complaints
Unsubstantiated Complaints
Pending Complaints

Informal Complaints



- The Services and the National Guard Bureau (NGB) reported a total of **1,422 formal and informal complaints** in FY 2014
  - 57% were substantiated
  - 32% were unsubstantiated
  - 11% were pending
    - Of **736 formal complaints** reported:
      - 57% were substantiated
      - 31% were unsubstantiated
      - 12% were pending at close of FY14
    - Of **686 informal complaints** reported:
      - 57% were substantiated
      - 33% were unsubstantiated
      - 10% were pending at close of FY14

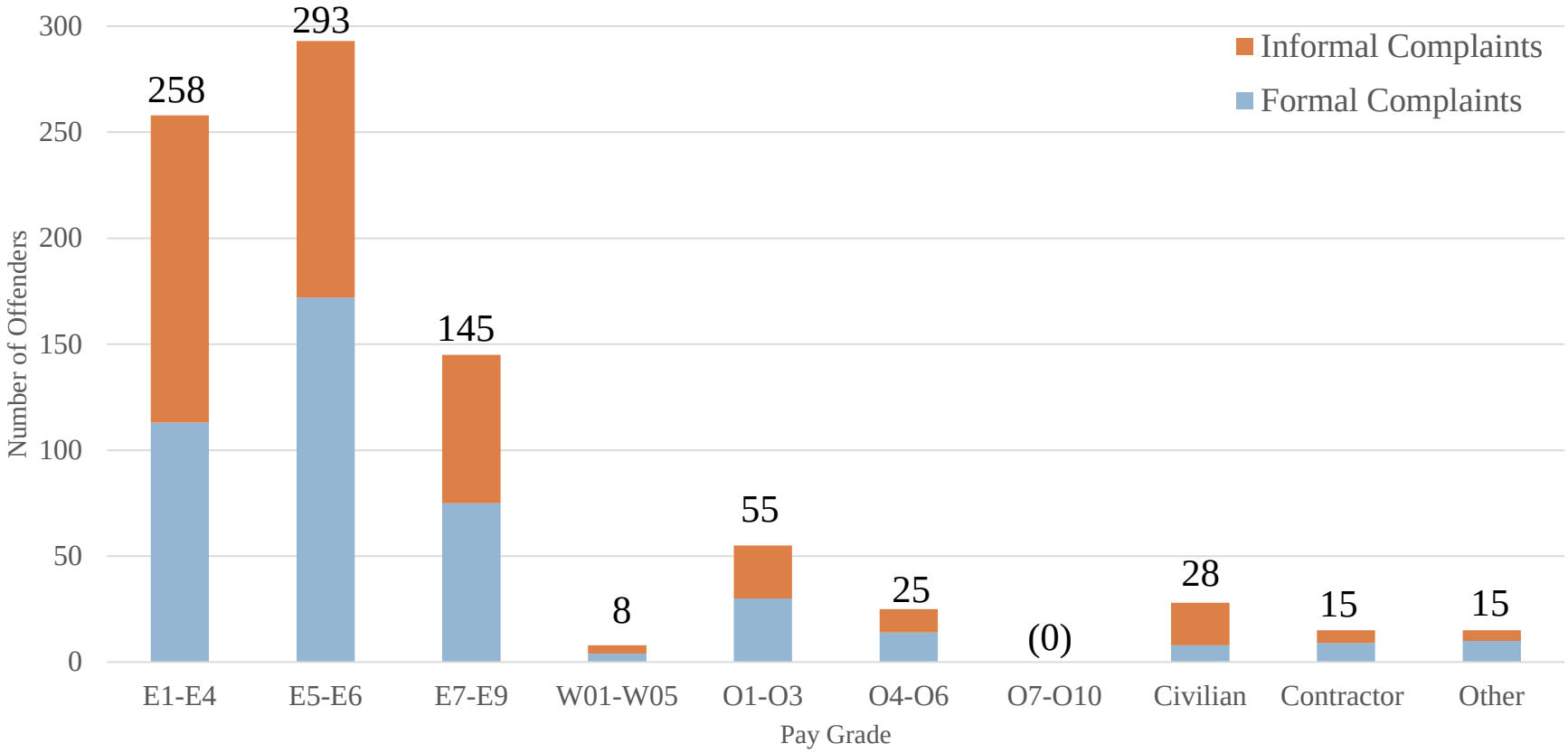
Complaint Disposition	Formal Complaints	Informal Complaints	Total Complaints
Substantiated	**419**	**390**	**809**
Unsubstantiated	**227**	**229**	**456**
Pending	**90**	**67**	**157**
Total	**736**	**686**	**1,422**

Offenders in Substantiated Sexual Harassment Incidents

- Offenders were predominantly male, coworkers, in the same unit
  - **The majority of offenders were Enlisted (83%) in grades E5-E6**
  - 435 offenders reported in formal complaints
    - 40% in pay grades E5-E6, followed by 26% in pay grades E1-E4
    - 10% were in officer grades O1-O6
  - 407 offenders reported in informal complaints
    - 36% in pay grades E1-E4, followed by 30% in pay grades E5-E6
    - 14% were in officer grades O1-O10

Offenders	Formal Complaints	Informal Complaints
Male	**420 (97%)**	**383 (94%)**
Female	**15 (3%)**	**24 (6%)**
Total	**435**	**407**

Substantiated Sexual Harassment Incidents Offenders by Pay Grade



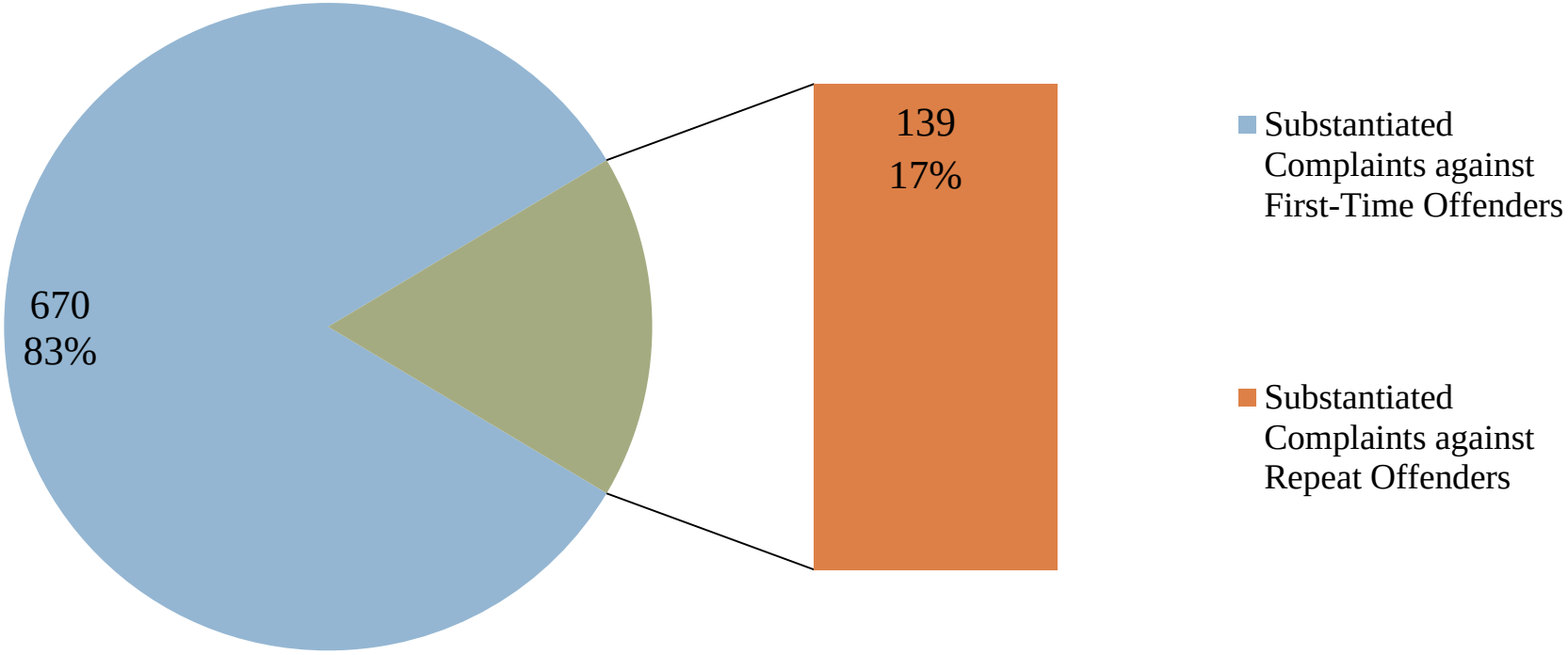
	E1-E4	E5-E6	E7-E9	W01-W05	O1-O3	O4-O6	O7-O10	Civilian	Contractor	Other	Total
Formal Complaints	113	172	75	4	30	14	0	8	9	10	435
Informal Complaints	145	121	70	4	25	11	0	20	6	5	407

Repeat Offenders

- NDAA FY 2013 required DoD to report on cases in which a member is accused of multiple incidents of sexual harassment
  - Referred to as “repeat offenders” in report
  - FORMAL COMPLAINTS
    - Complaints that involved repeat offenders comprised 12% (91 of 736) of formal sexual harassment complaints
    - 78% (71 of 91) of those complaints were substantiated
  - INFORMAL COMPLAINTS
    - Complaints that involved repeat offenders comprised 15% (107 of 686) of informal sexual harassment complaints
    - 64% (68 of 107) of those complaints were substantiated

Repeat Offenders in Substantiated Sexual Harassment Complaints

FY14 Substantiated Complaints of Sexual Harassment

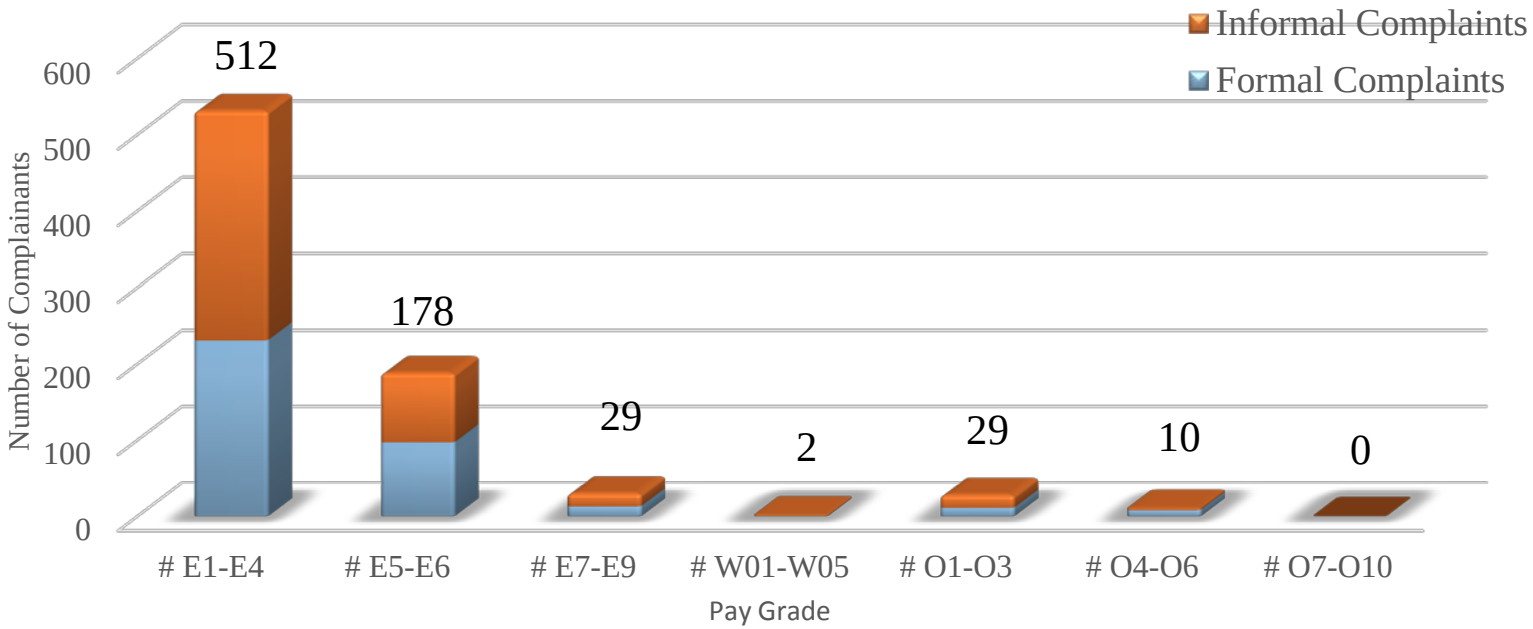


Complainants in Substantiated Sexual Harassment Incidents

- Complainants were predominantly female enlisted members (95%)
  - **The majority of complainants were Enlisted in pay grades E1-E4 (67%)**
  - 430 complainants reported in formal complaints
    - 70% were in pay grades E1-E4, followed by 21% in pay grades E5-E6
    - 5% were in officer grades O1-O6
  - 349 complainants in informal complaints
    - 66% were in pay grades E1-E4, followed by 25% in pay grades E5-E6
    - 5% were in officer grades O1-O6

Complainants	Formal Complaints	Informal Complaints
Male	**44 (10%)**	**63 (19%)**
Female	**386 (90%)**	**267 (81%)**
Total	**430**	**330**

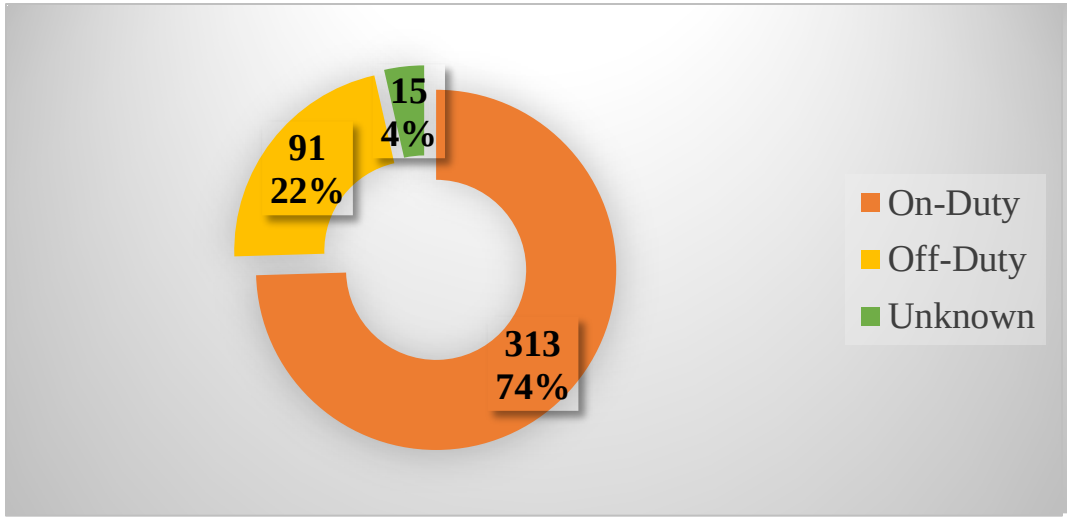
Substantiated Sexual Harassment Complainants by Pay Grade



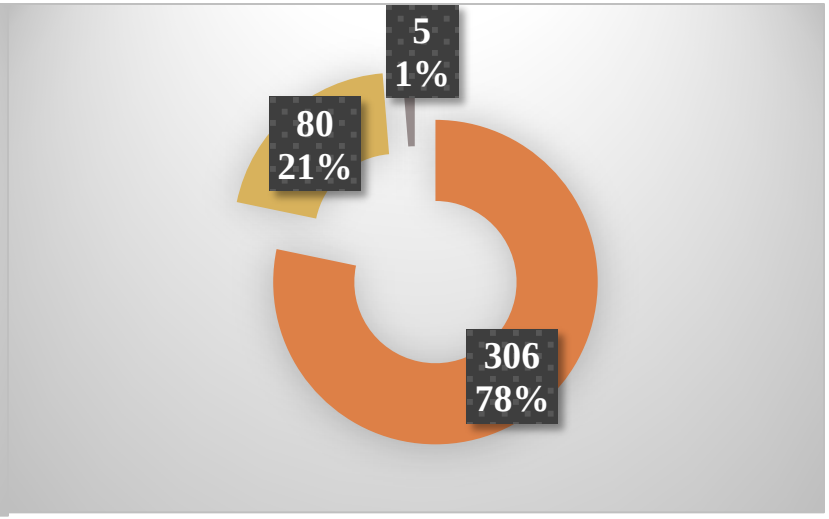
	# E1-E4	# E5-E6	# E7-E9	# W01-W05	# O1-O3	# O4-O6	# O7-O10	Total
Formal Complaints	300	91	17	2	17	3	0	430
Informal Complaints	212	87	12	0	12	7	0	330

Location of Substantiated Complaints

Formal Complaints



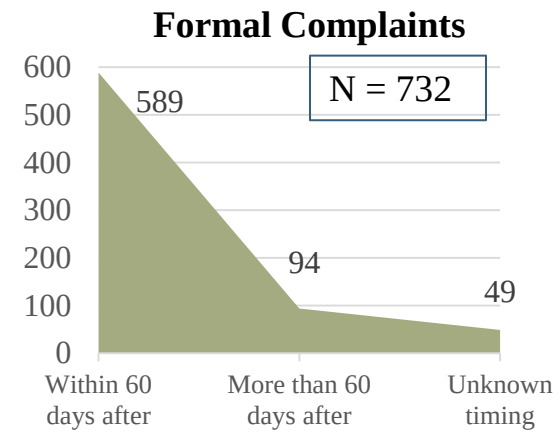
Informal Complaints

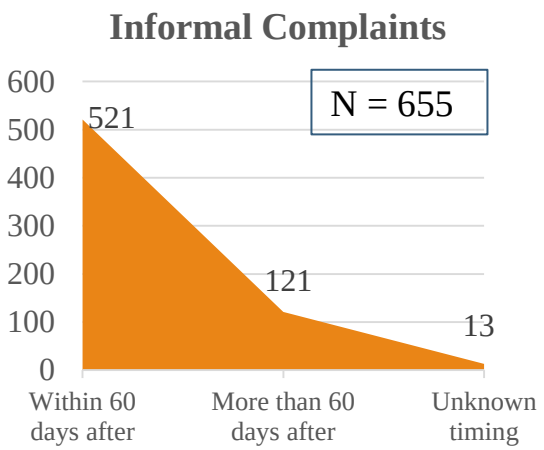


- Nearly 3/4ths of all substantiated complaints for which location was reported occurred on-duty
- More than 20% of sexual harassment complaints occurred while off-duty
- One informal complaint encompassed both on- and off-duty involvement

Timeliness of Reporting

Time between Incident and Reporting of Complaint



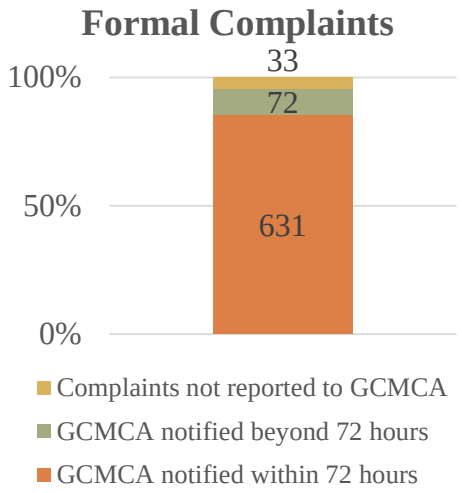


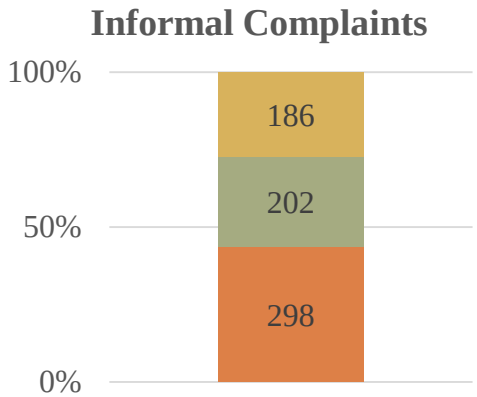
The vast majority of formal complaints were reported within the DoD-recommended 60-day window of the sexual harassment incident, and reported to the GCMCA.

More informal complaints were reported later, both by the complainant to the superior officer and to the GCMCA.

Both sets of charts include substantiated and unsubstantiated complaints.

Time between Incident Report and Notification to GCMCA





NDAA 2015 Requires Review of ODMEO Role in Sexual Harassment Cases

- FY 14 legislation supported by FY 15 legislation required a report on role of ODMEO in sexual harassment cases due to Congress on June 1, 2015
- The law specified the following four tasks
  - ✓ Determine if ODMEO should evaluate/address sexual harassment cases
  - ✓ Evaluate working relationship between ODMEO and DoD SAPRO
  - ✓ Identify ODMEO resource and personnel gaps, if any
  - ✓ Identify of ODMEO capacity to track sexual harassment cases currently
- DoD plan – Assign Tiger Teams to explore each tasks initially
- Establish an integrated process team to develop recommendations clarifying the role of ODMEO based on:
  - ✓ Thoroughly reviewing ODMEO's current capabilities (e.g., resource, personnel and technological gaps) for collecting sexual harassment data
  - ✓ Examining the relationship between ODMEO and DoD SAPRO in addressing enterprise initiatives to prevent sexual harassment