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September 2011

PREVENTING SEXUAL HARASSMENT

DOD Needs Greater Leadership Commitment and an Oversight Framework

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September 2011

PREVENTING SEXUAL HARASSMENT

DOD Needs Greater Leadership Commitment and an Oversight Framework

GAO Accountability * Integrity * Reliability

Highlights

Highlights of GAO-11-809, a report to Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

Sexual harassment is a form of unlawful discrimination that can jeopardize the military's combat readiness and mission accomplishment by weakening interpersonal bonds and eroding unit cohesion. GAO was asked to examine the most current available data on sexual harassment in the military and to assess the Department of Defense's (DOD) efforts to address this issue. GAO evaluated the extent to which DOD (1) has developed and implemented policies and programs to help prevent and address incidents of sexual harassment involving servicemembers, (2) has visibility over the occurrence of sexual harassment involving servicemembers, and (3) provides oversight of its policies and programs for addressing incidents of sexual harassment. To conduct this review, GAO analyzed DOD and service policies and DOD's available sexual harassment complaint data. GAO also conducted small-group discussions and administered a nongeneralizable survey during site visits to six military installations.

What GAO Recommends

GAO is making a total of five recommendations to improve the implementation and oversight of DOD's sexual harassment policies and programs, such as specifying uniform data elements when collecting and reporting complaint data and developing an oversight framework to help guide the department's efforts. DOD concurred with GAO's recommendations and noted it will develop an executable plan, prioritize actions, and address resourcing for the changes recommended.

View GAO-11-809. For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

What GAO Found

DOD has a long-standing policy aimed at providing an environment that is free from sexual harassment, and each of the military services has implemented its own polices and a program for addressing sexual harassment; however, some aspects of its policy and programs could be improved. For example, according to a 2010 DOD survey, while the majority of active duty servicemembers indicated that they believe that their immediate supervisor makes honest and reasonable efforts to stop sexual harassment, an estimated 25 percent of servicemembers indicated they did not know whether or did not believe their supervisor made such efforts. DOD's survey also found that an estimated 41 percent of servicemembers indicated that in their work group people would be able to get away with sexual harassment to some extent, even if it were reported. Similarly, GAO's nongeneralizable survey of active duty servicemembers found that 64 of 264 females and 53 of 319 males did not believe or were unsure of whether their direct supervisor created a climate that discourages sexual harassment from occurring. GAO also found that DOD has not held commanders accountable for completing required assessments of the equal opportunity climates in their commands. Further, GAO found that DOD does not have adequate guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the services are operating together, resulting in confusion or reducing servicemembers' satisfaction with how complaints are handled.

GAO found that DOD has limited visibility over the occurrence of sexual harassment because not all military installations and commands report sexual harassment complaint data to their respective service-level sexual harassment program offices and found that the department does not have a set of uniform data elements with which to collect such data. GAO also found that servicemembers resolve most complaints of sexual harassment informally rather than report them formally. Estimates from DOD's survey found that the majority of servicemembers who felt they were harassed sexually chose not to formally report the incident. Similarly, GAO's survey found that 82 of 583 servicemembers indicated that they had been harassed sexually during the preceding 12 months; of these, only 4 indicated that they had reported the incident formally. GAO found several reasons why servicemembers may choose not to report an incident, including the belief that the incident was not sufficiently serious to report or that the incident would not be taken seriously if reported.

DOD has established some oversight requirements but has exercised little oversight of its policies and programs for addressing incidents of sexual harassment. GAO found that the office responsible for overseeing DOD's sexual harassment policies and programs has not developed an oversight framework—including clear goals, objectives, milestones, and metrics for measuring progress—to guide its efforts. For example, although DOD requires the services to provide an annual assessment of their programs, including specific data for sexual harassment complaints, DOD has not enforced these reporting requirements for almost a decade. Moreover, DOD's resources for oversight of this area are limited to one person, who has multiple other responsibilities. As a result, decision makers in DOD do not have the information they need to provide effective oversight, or assess the effectiveness, of the department's policies and programs.

Contents

Abbreviations

DEOCS	Defense Equal Opportunity Management Institute Organizational Climate Survey
DMDC	Defense Manpower Data Center
DOD	Department of Defense
SHARP	Sexual Harassment/Assault Response and Prevention

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United States Government Accountability Office
Washington, DC 20548

September 21, 2011

The Honorable John F. Tierney
Ranking Member
Subcommittee on National Security, Homeland Defense and Foreign Operations
Committee on Oversight and Government Reform
House of Representatives

Sexual harassment is a form of unlawful discrimination and is fundamentally at odds with the obligation of men and women in uniform to treat all with dignity and respect. For members of the military, sexual harassment is also contrary to good order and discipline—and incidents of sexual harassment can jeopardize combat readiness and mission accomplishment by weakening interpersonal bonds and eroding unit cohesion. In the aftermath of such high profile scandals as Tailhook in the early 1990s,[1] the Department of Defense (DOD) and the military services issued policies and procedures to try to eliminate sexual harassment and other forms of unlawful discrimination in the department and address incidents when they do occur. However, the results of DOD surveys conducted in 2002 and 2006 indicated that active duty servicemembers perceived the incidence of sexual harassment to be a continuing problem in the military.[2] Moreover, a 2010 DOD survey, the most recent available, found that, of the active duty servicemembers who reported experiencing unwanted sexual contact during the preceding 12 months,[3] about half of

[1]In September 1991, a professional military organization known as the Tailhook Association met in Las Vegas, Nevada for its annual convention. The convention resulted in numerous allegations of sexual harassment and sexual assault and focused public and congressional attention on these problems in the military environment.

[2]DOD conducted sexual harassment surveys of active duty servicemembers in 1988, 1995, and 2002. In December 2002, Congress passed the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Pub. L. No. 107-314), which included a provision (codified at 10 U.S.C. § 481) that requires DOD to conduct four quadrennial surveys, each in a separate year, to identify and assess racial and ethnic issues and discrimination, and to identify and assess gender issues and discrimination, among members of the armed forces. DOD conducted the first of these surveys for its active component in 2006 and then subsequently in 2010.

[3]DOD's survey defines unwanted sexual contact to include rape, nonconsensual sodomy (oral or anal sex), or indecent assault (unwanted, inappropriate sexual contact or fondling) that can occur regardless of gender, age, or spousal relationship.

women and a third of men reported they were also sexually harassed or stalked by the alleged offender before or after the incident.

Since 2006, we have issued a series of reports examining certain social factors of the military environment in which men and women serve our country. These include reviews of DOD's programs to address the incidence of domestic violence in the military, DOD's and the Coast Guard's programs to prevent and respond to incidents of sexual assault and sexual harassment at the service academies, and DOD's and the Coast Guard's programs to prevent and respond to incidents of sexual assault in the military. For a list of these reports, see the Related GAO Products section at the end of this report.

Seeking a more complete picture of that environment, and concerned about reported increases in rates of sexual harassment among servicemembers, you asked us to examine the most current available data on sexual harassment in the military and to assess DOD's efforts to address this issue. This report focuses on the active components of DOD and evaluates the extent to which DOD (1) has developed and implemented policies and programs to help prevent and to address incidents of sexual harassment involving servicemembers; (2) has visibility over the occurrence of sexual harassment involving servicemembers; and (3) provides oversight of its policies and programs for addressing incidents of sexual harassment.

To determine the extent to which DOD has developed and implemented policies and programs to help prevent and to address incidents involving servicemembers, we obtained and analyzed DOD's and each of the service's guidance and requirements for the prevention, response, and resolution of complaints of sexual harassment involving active duty servicemembers, and interviewed knowledgeable officials in the Office of the Secretary of Defense and the respective program offices for addressing sexual harassment matters in the Army, the Air Force, the Navy, and the Marine Corps. We also visited six locations to assess implementation of the department's policies and programs where we met with program officials,[4] military commanders (company and field grade

[4]At the installation level, a variety of personnel—for example, equal opportunity advisors and equal opportunity representatives or specialists—assist commanders in implementing the day-to-day operations of their military equal opportunity programs. For purposes of this report, we use the term "program officials" to refer to these individuals.

officers), senior enlisted servicemembers, judge advocates, chaplains, and representatives from local inspector general's offices. During our site visits we obtained the perspective of servicemembers on the topic of sexual harassment in the military by conducting a total of 59 small-group discussions with enlisted servicemembers and officers and by administering a short, confidential survey to a total of 583 servicemembers during our site visits. The locations we visited were selected based on a number of factors, including units' missions, the availability of personnel, and recent deployment histories. The locations included Camp Victory, Iraq; Fort Carson, Colorado; Lackland Air Force Base, Texas; Marine Corps Base Camp Lejeune, North Carolina; Naval Station Norfolk, Virginia; and the U.S.S. Carl Vinson (CVN-70), a Nimitz-class Aircraft Carrier, at Naval Air Station North Island, California. Because these locations are not representative of all DOD locations, the results from our discussions and the comments provided are not generalizable and therefore cannot be projected across DOD, a service, or any single location we visited. To determine the extent to which DOD has visibility over the occurrence of sexual harassment involving servicemembers, in addition to reviewing DOD and service guidance and analyzing the results from our discussion groups, we reviewed the results of a survey[5] conducted by DOD in 2010 and the results of our nongeneralizable survey. In reviewing the survey documentation provided by DOD, we found the survey results to be sufficiently reliable for the purposes of our report. We also obtained and analyzed sexual harassment complaint data collected and maintained by DOD and the services for fiscal years 2008, 2009, and 2010. To assess the reliability of the services' complaint data, we reviewed the processes by which each service collects complaint data, and the extent to which each data element is complete and accurate. We ultimately determined that the data we received from the services could not be compared across services and therefore were not reliable for the purposes of providing departmentwide information because of our concerns about the completeness and accuracy of the data, which we discuss in our report. To determine the extent to which DOD provides oversight of its policies

[5]Defense Manpower Data Center, *2010 Workplace and Gender Relations Survey of Active Duty Members* (DMDC Report No. 2010-024) (April 2011). This survey was administered between February and June 2010. The weighted response rate was 32 percent. All percentage estimates we report from the *2010 Workplace and Gender Relations Survey of Active Duty Members* have margins of error at the 95 percent confidence level of plus or minus 2 percentage points or less.

and programs for addressing incidents of sexual harassment, we interviewed knowledgeable officials in the Office of the Secretary of Defense and the services and obtained and analyzed various pertinent documents, including the results of prior studies of sexual harassment in the military, in order to obtain a comprehensive understanding of the processes, procedures, and controls in place for monitoring and overseeing the programs. Further details about our scope and methodology can be found in appendix I.

We conducted this performance audit from May 2010 through September 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

DOD defines sexual harassment as "a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly as a term or condition of a person's job, pay or career, or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment."[6] DOD's definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. Under DOD's definition, "workplace" is an expansive term for servicemembers and may include conduct on or off duty, 24 hours a day. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engagement in sexual

[6]Department of Defense Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995).

harassment. Similarly, any servicemember or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

As a form of sex discrimination, sexual harassment falls under DOD's military equal opportunity program, which is aimed at preventing unlawful discrimination based on race, color, religion, sex, or national origin that is not otherwise authorized by law or regulation. The Under Secretary of Defense for Personnel and Readiness has responsibility for developing the overall policy for DOD's military equal opportunity program and monitoring compliance with the department's policy, and has delegated these responsibilities to its Office of Diversity Management and Equal Opportunity. The secretaries of the military departments, in turn, are then responsible for developing and implementing policies to prevent unlawful discrimination and sexual harassment, establishing both formal and informal means for resolving complaints, and ensuring compliance with DOD's policy.

In DOD, the chain of command is the primary and preferred channel for identifying and correcting discriminatory practices—including resolving servicemembers' complaints of sexual harassment. The services encourage servicemembers to resolve any complaints of sexual harassment they may have at the lowest possible level first—for example, by confronting the harasser and telling him or her that the behavior is not appreciated, not welcomed, and that it must stop. For servicemembers who wish to report a complaint of sexual harassment, DOD provides two complaint options—formal and informal. A formal complaint is an allegation of unlawful discrimination or sexual harassment that a complainant submits in writing to the authority designated for receipt of such complaints in service implementing guidance. Formal complaints require specific actions to be taken, are subject to timelines, and require documentation of the actions taken, in accordance with each service's implementing guidance. In contrast, an informal complaint is an allegation of unlawful discrimination or sexual harassment, made either orally or in writing, which is not submitted as a formal complaint. Informal complaints may be resolved directly by the complainant, such as by confronting the individual or by involving another individual or the chain of command. Servicemembers who elect to resolve their complaints informally may submit a formal complaint if they are dissatisfied with the outcome of the informal process.

GAO last reported on DOD's military equal opportunity program in January 1996 as part of a review of the services' processes for handing equal opportunity complaints.[7] At that time, a DOD task force had recently completed a review and issued its report of the services' equal opportunity programs and discrimination complaints processing systems. Specifically, the Defense Equal Opportunity Council, a DOD group chartered to advise the Secretary of Defense on equal opportunity matters, reviewed the services' discrimination complaint systems between 1994 and 1995 and issued its report in May 1995. In its report,[8] entitled *Report of the Task Force on Discrimination and Sexual Harassment*, the task force recommended 48 improvements in the way the services deal with discrimination and sexual harassment, including recommending departmentwide standards for complaints processing and that steps be taken to provide for the oversight and management of these issues.

DOD Has a Policy and a Program to Prevent and Address Incidents of Sexual Harassment Involving Servicemembers, but Opportunities Exist for Improvement

DOD has a long-standing policy and a program in place aimed at providing an environment that is free from sexual harassment and other forms of unlawful discrimination. In addition, each of the military services has implemented its own policies and program for addressing sexual harassment. However, implementation of some aspects of the policies and programs could be improved. Specifically, we found that support for sexual harassment policies and programs by military commanders and senior enlisted servicemembers is not consistently strong and that DOD does not have adequate guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the services are operating together.

DOD Has a Long-standing Policy and a Program

DOD has had a long-standing policy in place, as part of its military equal opportunity program, aimed at helping to prevent and to address incidents of sexual harassment and other forms of unlawful discrimination. DOD's policy, which is contained in DOD Directive 1350.2, establishes such things as a departmentwide definition of sexual harassment; departmentwide standards for complaint processing and resolution; and

[7]GAO, *Military Equal Opportunity: Problems With Services' Complaint Systems Are Being Addressed by DOD*, GAO/NSIAD-96-9 (Washington, D.C.: Jan. 26, 1996).

[8]Department of Defense, *Report of the Task Force on Discrimination and Sexual Harassment* (May 1995).

requirements that military commanders periodically assess their organizational equal opportunity climate and that servicemembers receive periodic training on the prevention of sexual harassment. Under DOD's policy, the services are then responsible for developing service-specific policies to prevent sexual harassment and unlawful discrimination and complaint procedures.

In accordance with DOD's directive, each of the services has implemented its own policies and a program for addressing sexual harassment in that service.[9] The services' policies generally contain similar program elements—for example, formal and informal complaint procedures and timelines for reporting and processing complaints; requirements that military commanders periodically assess their organizational equal opportunity climate; requirements that servicemembers receive periodic training on the prevention of sexual harassment; and requirements that allegations of sexual harassment against senior leaders be investigated by their respective inspectors general's.

The services' programs also differ in some key ways, however. Specifically, while the Navy's and Marine Corps' efforts to prevent and address incidents of sexual harassment fall under their respective military equal opportunity programs, the Army and Air Force have integrated their efforts to prevent and address incidents of sexual harassment with other programs. With respect to the Army and Air Force:

- In 2009, the Army began integrating its efforts to prevent and respond to incidents of sexual harassment with its efforts to prevent and respond to incidents of sexual assault. Under its new program—known as Sexual Harassment/Assault Response and Prevention (SHARP)—the Army's sexual harassment and sexual assault policies—as well as its training, prevention strategies, and strategic communications—are integrated.
- Also in 2009, the Air Force integrated its military equal opportunity program with its equal employment opportunity complaints program for civilians, in order to form a single program supporting both military

[9]See Army Regulation 600-20, *Army Command Policy* (Apr. 27, 2010), Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian* (Oct. 5, 2010), Office of the Chief of Naval Operations Instruction 5354.1F, *Navy Equal Opportunity (EO) Policy* (July 25, 2007), and Marine Corps Order 1000.9A, *Sexual Harassment* (May 30, 2006).

and civilian personnel. Under the Air Force's new equal opportunity program, program management for military equal opportunity and civilian equal employment opportunity complaints matters are integrated while the complaint processes remain separate and distinct.[10]

Servicemembers Have Mixed Views about Their Leaders' Support for DOD's Sexual Harassment Policies and Programs

DOD Directive 1350.2 states that it is DOD policy to use the chain of command to promote, support, and enforce the military equal opportunity program, which includes the department's sexual harassment policies. However, concerns exist that DOD is not holding individuals in positions of leadership accountable for supporting the department's sexual harassment policies and programs. Under DOD's policy, the chain of command is the primary and preferred channel for identifying and correcting discriminatory practices and is responsible for processing and resolving complaints of sexual harassment and ensuring that equal opportunity and human relations matters are taken seriously and acted upon as necessary. Based on estimates from DOD's *2010 Workplace and Gender Relations Survey of Active Duty Members*, we found that servicemembers have mixed perceptions of whether their leaders are supportive of the department's sexual harassment policies and programs. DOD's survey found that an estimated 76 percent of servicemembers—or, an estimated 67 percent of women and 77 percent of men—believe that the senior leadership of their installation or ship "makes honest and reasonable efforts to stop sexual harassment, regardless of what is said officially." Similarly, DOD's survey found that an estimated 69 percent of women and 77 percent of men believe that their immediate supervisor "makes honest and reasonable efforts to stop sexual harassment, regardless of what is said officially." While DOD's survey results indicate that servicemembers generally perceive their leaders to be supportive of the department's sexual harassment policies and programs, we also note that they indicate that an estimated 25 percent of servicemembers—or, an estimated 31 percent of women and 23 percent of men—did not

[10]The Equal Employment Opportunity Commission is responsible for establishing procedures for handling federal employees' allegations of discrimination, including sexual harassment, and has issued regulations that govern how such complaints should be processed administratively. The federal equal employment opportunity complaint process consists of two stages—informal, or pre-complaint, counseling; and formal complaint, which is filed with the agency. Under existing regulations, complainants who are civilian employees must consult an equal employment opportunity counselor at their agency in order to try to informally resolve the matter before filing a formal complaint.

believe or were unsure of whether their immediate supervisor "makes honest and reasonable efforts to stop sexual harassment, regardless of what is said officially." Further, we note that DOD's survey also found that an estimated 41 percent or servicemembers—or, an estimated 52 percent of women and 38 percent of men—indicated that in their work group people would be able to get away with sexual harassment to some extent, even if it were reported.

Similarly, our nongeneralizeable survey found that servicemembers had mixed perceptions of whether their direct supervisor creates a climate that discouraged sexual harassment from occurring. For example, at the six locations where we administered our survey, 64 of 264 female servicemembers and 53 of 319 male servicemembers indicated that they did not think or were unsure of whether their direct supervisor created a climate that discourages sexual harassment from occurring. Table 1 shows both female and male servicemember responses to questions about command climate and sexual harassment that we included in our survey.

Table 1: Responses from Selected Servicemembers to Questions about Command Climate and Sexual Harassment

		Number responding		
GAO survey question	**Gender**	**"Yes"**	**"No"**	**"Not sure"**
At your current location, do you think your direct supervisor (military or civilian) creates a climate that discourages sexual harassment from occurring?	Female	198	31	33
	Male	257	25	28
If sexual harassment should occur at your current location, do you think your direct supervisor (military or civilian) would address it?	Female	236	12	15
	Male	287	6	22

Source: GAO.

Note: Some servicemembers did not respond to all questions. Therefore, the number of servicemember respondents who indicated "yes," "no," and "not sure" may not sum to the total of female (264) and male (319) servicemembers who responded to our survey.

Our site visits also revealed that servicemembers have mixed perceptions of their leaders' support for DOD's sexual harassment policies and programs. For example, during our interviews we frequently heard that there was "zero tolerance" when it came to sexual harassment and that leaders enforced the department's sexual harassment policies and programs by taking such steps as issuing statements against sexual harassment and other forms of unlawful discrimination, or regularly

speaking to servicemembers about sexual harassment. However, our site visits also revealed that some leaders may not consistently set a strong tone discouraging sexual harassment from occurring. Examples include:

- At four of the locations we visited, military personnel told us that incidents of sexual harassment were sometimes ignored by leaders or "swept under the rug." A military chaplain told us that some leaders are reluctant to forward complaints of sexual harassment outside their command out of fear that those complaints may reflect badly on their leadership or hurt their chances of promotion. Similarly, at one location we visited, program officials told us that some commanders withhold controversial information from sexual harassment complaints because they think certain information could make their command look bad.
- At three of the locations we visited, program officials told us that some leaders viewed sexual harassment matters as a priority only when a major incident occurred, or that incidents of sexual harassment had to occur multiple times in a command before leaders addressed them. According to one individual we spoke with, sometimes incidents of sexual harassment have to happen multiple times or to multiple people before leaders take them seriously and servicemembers get the message that such behavior is inappropriate.
- Program officials at four locations we visited told us that they did not always feel they had the support of their leaders. At one location we heard concerns that some commanders perpetuate negative perceptions of military equal opportunity programs, which can negatively affect a command's climate with regard to sexual harassment matters. Similarly, at three locations program officials told us that they felt their commanders avoided them. Servicemembers who had deployed overseas to support the department's sexual harassment programs also shared these perceptions. One individual told us that during his deployment he felt he had to sell the program to his commander and that the commanders with whom he interacted were not proactive in trying to address sexual harassment matters during the deployment.
- At one location we visited, program officials told us that some commanders select individuals to serve as equal opportunity advisors just to fill billets, without assessing the skills they possess or their willingness to perform the required duties. According to these individuals, servicemembers who are selected to be equal opportunity advisors in this manner may be unwilling to fulfill their duties and are less likely to take their responsibilities seriously.

During our site visits we were also told that some leaders do not back up their words with actions. At each of the six locations we visited, we heard concerns that some leaders did not enforce their command's policies or did not address incidents of sexual harassment when they occurred. Program officials at one location told us that some commands publicly claim to have zero tolerance for sexual harassment but in fact do tolerate behavior that could constitute sexual harassment on a day-to-day basis. According to the individuals we interviewed, such behavior needs to be corrected on the spot or it will continue. Program officials at another location described inaction by leadership as a sign of condoning sexual harassment. At five of the six locations we visited we were told that leaders could take actions to better show their support for the department's programs, such as by attending their units' prevention of sexual harassment training or by speaking more frequently to their personnel about sexual harassment.

According to program officials and servicemembers with whom we spoke, leaders who do not support or do not show their support for the department's sexual harassment policies effectively hinder implementation of the department's programs. For example, program officials told us that servicemembers are less likely to take the department's policies and programs seriously if they see that their leaders do not take the programs seriously. Similarly, senior enlisted servicemembers at one location we visited told us that if leaders do not emphasize the importance of these types of programs it would be unrealistic to expect the programs to be effective. A senior enlisted servicemember told us that a commander who ignores sexual harassment matters reinforces negative behaviors in the command that could "encourage" sexual harassment.

Similarly, we heard that by not taking sexual harassment matters seriously, commanders and other leaders can negatively affect unit morale and cohesion. Program officials at one location told us that units that take sexual harassment matters seriously are more likely to have good morale and be close-knit. According to these individuals, personnel run the risk of being ostracized from the unit for reporting an incident of sexual harassment if their unit is not close-knit. As another example, a military chaplain told us that incidents of sexual harassment can negatively impact morale if servicemembers feel they cannot trust others in their unit or their chain of command, particularly when the chain of command is aware of the harassment and does not step in to address it. The effect incidents of sexual harassment have on unit morale and cohesion was also discussed during our discussions with

servicemembers. For example, female senior officers observed that sexual harassment can have a negative impact on the unit at every level unless it is addressed quickly and effectively. A mid-level enlisted female commented, “Why would you stick your neck out for someone who doesn’t respect you?”

Required Climate Assessments Are Not Always Conducted

As part of the department’s efforts to prevent and address incidents of sexual harassment, DOD and the services require that military commanders determine their organizational health and functioning effectiveness by periodically assessing their equal opportunity climate.[11] However, we found that the required climate assessments are not always conducted. Moreover, at the locations we visited, we found few mechanisms by which to hold commanders accountable for conducting the required climate assessments. Climate assessments may be accomplished by such methods as conducting interviews, administering surveys or questionnaires, or reviewing records. Further, our site visits revealed that program officials and commanders viewed these assessments as important in helping commanders understand the extent to which issues like sexual harassment might be perceived as a problem in their units. For example, a senior level official at the Defense Equal Opportunity Management Institute noted that command climate may influence servicemembers’ perceptions about whether sexual harassment or other acts of discrimination are perceived as acceptable behavior, and these perceptions influence the likelihood that those servicemembers will engage in sexual harassment. A commander with whom we met described conducting climate assessments as essential to a commander’s ability to understand his or her soldiers. Similarly, a program official told us that such assessments provide commanders with an invaluable tool for gauging the level of sexual harassment that occurs within their unit.

[11]DOD Directive 1350.2 requires commanders to assess their organizational equal opportunity climate, preferably as part of their assumption of command, and to schedule follow-up assessments periodically during their command tenure. The services’ policies, in turn, establish requirements for the frequency by which these assessments are to be conducted. For example, the Army requires company commanders to administer a command climate assessment within 90 days of assuming command and annually thereafter. In contrast, the Air Force requires that such assessments be conducted for units with more than 50 personnel every 2 years or upon a unit commander’s request.

However, at three of the locations we visited, program officials told us of meeting with resistance from some commanders when attempting to conduct the required assessments. Further, at two of the locations we visited we found evidence that commanders had not conducted the required assessments. At the first location we found that different commanders had not conducted the required assessments for a variety of reasons, including their concerns over a high operating tempo or the timing of the assessments. We also found that they did not conduct the assessments because the commanders did not respond to program officials' requests to conduct them. At the other location, we found that the command did not have an equal opportunity advisor at the time the assessment should have been conducted.

The services, too, have identified challenges related to conducting required climate assessments. For example, Marine Corps officials told us that they did not have visibility over which Marine Corps commanders had completed the required assessments and which had not, and noted that some commanders may not have been aware that the assessments are required. As another example, the Navy in 2010 identified problems with climate assessments as one of several systemic issues with its program. The Navy found that, when performed, such assessments lacked analysis, an action plan, and feedback. The Navy also found that executive summaries of assessments did not match the results of surveys that were conducted or were sanitized by leadership. Such problems are not new. For example, in 1996 we reported that while some commanders appeared to be using the results of their equal opportunity assessments to help manage their equal opportunity programs, in other instances, commanders did not conduct the required assessments or, if they did, failed to act on them.[12]

According to DOD's directive, commanders are to be held accountable for the equal opportunity climates in their commands. However, at the locations we visited, we found few mechanisms by which to hold commanders accountable for conducting the required climate assessments. The results of a commander's climate assessment are generally confidential and not reported up the chain of command, although information from the assessments may be made available to others for analysis. For example, higher level headquarters, commands,

[12]GAO/NSIAD-96-9.

and researchers at the Defense Equal Opportunity Management Institute have access to servicemembers' responses to the Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS), which is one of the climate assessment mechanisms in wide use across DOD.[13] In some instances, we found that compliance with the department's requirements may be verified—for example, during a local equal opportunity inspection or other command inspection. However, we also found that with the exception of the Army and the Navy, neither DOD nor the other services verify commanders' compliance with the department's requirements to conduct climate assessments. When commanders fail to assess their equal opportunity climate and address any concerns they find, commanders run the risk of not identifying the extent to which their personnel perceive issues like sexual harassment to be a problem that can affect their morale and welfare. Further, without verifying or tracking commanders' compliance with the department's requirements, DOD and the services do not have a mechanism by which to hold commanders accountable for identifying issues like sexual harassment and taking the actions necessary to address them.

DOD Does Not Have Adequate Guidance on How Incidents of Sexual Harassment Should Be Handled in Joint Environments

We also found that DOD does not have adequate guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the services are operating together. According to commanders with whom we spoke, addressing incidents of sexual harassment in such environments poses unique challenges. The commander of a mission support group told us that having different sexual harassment policies and programs across the services sometimes could lead to perceptions among servicemembers that the military has inconsistent standards in place to address incidents of sexual harassment. Similarly, battalion commanders told us that the services did not have a consistent understanding of which behaviors constituted sexual harassment.

[13]The DEOCS measures climate factors associated with DOD's military equal opportunity and civilian equal employment opportunity programs. Used by both military and civilian members of DOD, about half of the survey's questions address equal opportunity or equal employment opportunity issues, while the remainder addresses organizational and demographic issues. During fiscal year 2010, about 650,000 DEOCS surveys were completed by DOD personnel.

Program officials we met said that there was confusion at times due to the absence of guidance regarding how to respond to complaints of sexual harassment involving members of another service. For example, at one location we visited, program officials said that they did not have clear policy and guidance specifying how complaints of sexual harassment involving members of another service should be handled. At another location, a representative from an inspectors general's office said that his office had received a complaint of sexual harassment from a member of another service, but it did not have guidance specifying to whom it should refer complainants. Similarly, military personnel told us that the absence of guidance made it challenging for complainants to obtain information—such as the results of any investigations conducted of their complaint, or any actions taken against the accused harasser—if the complaint was made against a member of another service. According to program officials with whom we spoke, such confusion can slow down the processing of a complaint, which can reduce a complainant's satisfaction with the disposition of his or her complaint or affect his or her confidence in the command's ability to handle such complaints.

DOD's directive assigns responsibility to the secretaries of the military departments for ensuring that the department's sexual harassment policies and programs are understood and executed at all levels. However, we found that only the Air Force has taken specific steps—such as by issuing guidance—to ensure that the department's policies and programs are understood in environments wherein two or more of the services are operating together. Specifically, in October 2010, the Air Force issued new guidance[14] for its program requiring, among other things, that when operating in joint environments or with other DOD activities, the Air Force must establish a memorandum of agreement with each agency or the host military service responsible for implementing and administering the department's military equal opportunity programs; that individuals from other services be afforded the opportunity to use their own service's military equal opportunity complaint and counseling systems; and that steps must be taken to publicize, display, and ensure understanding and execution of all pertinent DOD and service-specific policies and programs.

[14]Air Force Instruction 36-2706, *Equal Opportunity Program Military and Civilian* (Oct. 5, 2010).

In discussing the absence of DOD guidance on this issue with program officials in DOD's Office of Diversity Management and Equal Opportunity—which is responsible for developing the department's overall military equal opportunity policy—officials concurred that the department did not have adequate guidance. One senior level program official with the office told us that the department's policies on how to handle complaints of sexual harassment in joint environments were unclear and that the department lacked a model for establishing such programs. According to this official, the absence of guidance was hindering implementation of the department's programs. For example, in some instances, the office observed that the preferred practice is to transfer sexual harassment complainants from their unit rather than to investigate their complaint.

We previously reported that the absence of guidance regarding how to implement DOD programs in certain environments can hinder implementation of the program or result in confusion. However, we have also reported that such problems can be successfully addressed by issuing clarifying guidance. For example, in 2008, we reported that DOD's guidance for its sexual assault prevention and response program did not adequately address some important issues, such as how to implement the program when operating in a deployed environment or in joint environments.[15] In that report we recommended that DOD review and evaluate its policies for preventing and responding to incidents of sexual assault to ensure that adequate guidance was provided to effectively implement its program in such environments. Subsequently, in 2010, we reported that to address our recommendation DOD established a working group to review and evaluate the adequacy of the department's policies for preventing and responding to incidents of sexual assault in joint and deployed environments.[16] Based on the working group's findings, DOD issued interim guidance to support the implementation of its sexual assault prevention and response program in joint and deployed environments until new guidance was approved.

[15]GAO, *Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*, GAO-08-924 (Washington, D.C.: Aug. 29, 2008).

[16]GAO, *Military Personnel: Additional Actions Are Needed to Strengthen DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs*, GAO-10-215 (Washington, D.C.: Feb. 3, 2010).

DOD Has Limited Visibility over the Occurrence of Sexual Harassment Involving Active Duty Servicemembers

We found that that not all military installations and commands report sexual harassment complaint data to their respective service-level sexual harassment program offices and that DOD does not have a set of uniform data elements with which to collect such data. We recognize that the precise number of incidents of sexual harassment involving servicemembers is not possible to determine. Nevertheless, our findings indicate that the majority of servicemembers choose not to formally report such incidents for a variety of reasons including the belief that the incident was not important enough to report or that the incident would not be taken seriously if reported.

DOD's Available Data for Complaints of Sexual Harassment is Incomplete and Inconsistent

Based on our analysis of DOD's available complaint data, we found that DOD has limited visibility over the occurrence of sexual harassment involving active duty servicemembers. For example we found that the services' respective sexual harassment program offices may not receive complaint data from all military installations and commands. Although the Army requires commanders to submit formal sexual harassment complaint data to the SHARP Program quarterly, Army officials told us that currently the Army cannot accurately track sexual harassment reports. Air Force officials told us that installation-level program officials are not informed of all command actions and cannot control whether or not commanders elect to inform them of such actions. Therefore, the system the Air Force uses to track sexual harassment complaints only includes data for complaints made to the installation-level program officials or complaints that the installation-level program officials are made aware of. Further, Marine Corps officials told us that if an equal opportunity advisor does not report an incident to the Marine Corps' Equal Opportunity and Diversity Management Branch, their office has no visibility over the incident. Similarly, Navy equal opportunity advisors with whom we met indicated that some sexual harassment complaints may be investigated and disposed of by a commander without being reported to the Navy Equal Opportunity Office.

We also found that while each of the services does collect information on complaints that are made formally—for example, on whether or not a complaint was substantiated—after analyzing each of the services' sexual harassment complaint data for fiscal years 2008 through 2010 we identified inconsistencies with data that the services collect. For example, we found that the services do not collect the same demographic information for formal complaints, such as data on the rank and pay grade on the individuals involved. Also, while the data from the Air Force, the Navy, and the Marine Corps provide specific information on the type of

action taken against the alleged offender for substantiated complaints, we found that the data provided by the Army specifies only whether or not a complaint was substantiated. Data from the Air Force, the Navy, and the Marine Corps also show that some complaints involve multiple alleged offenders, complainants, or both, but data provided to us by the Army does not. Because of our concerns over the completeness and consistency of the services' sexual harassment complaint data, we determined that meaningful comparisons cannot be made. Further, DOD cannot accurately compare formal sexual harassment complaint data across the services, and DOD leadership is limited in its ability to identify specific problem areas and trends or initiate corrective action.

In 1995, DOD's task force noted that enhanced data collection and reporting could help improve the department's visibility over the occurrence of sexual harassment and consequently recommended that the Office of the Secretary of Defense establish uniform data elements and require that the services use those data elements in reporting. Further, in 1996, while undertaking a review of the services' processes for handling equal opportunity complaints, we reported that DOD was taking steps to address the task force's recommendations.[17] However, over 15 years later, the 1995 task force's recommendation to establish uniform data elements has not yet been implemented because DOD has not made this issue a priority. Consequently, DOD's visibility over the occurrence of sexual harassment continues to be limited.

Servicemembers Are More Likely to Resolve Sexual Harassment Complaints Informally

Based on our analysis of the results of our nongeneralizable survey and servicemembers' responses to DOD's 2010 survey, we also found that servicemembers responded more frequently that they resolved complaints informally than reported them formally. At the six locations where we administered our survey, 60 of 264 female servicemembers and 22 of 319 male servicemembers in our sample indicated that they had been harassed sexually during the preceding 12 months, or a total of 82 servicemembers. Of these, the vast majority (77) indicated that they had elected to resolve the incident informally or not to report it at all.

[17]See GAO/NSIAD-96-9. In 1996, we reported that there were problems with the services' collection and reporting of equal opportunity complaint data and that the task force recommended that steps be taken to address these problems. At that time, we also reported that DOD was taking steps to address the task force's recommendations and therefore did not include any of our own recommendations in that report.

Table 3 provides more detailed information on the number of servicemember respondents to our survey who indicated experiencing sexual harassment within the preceding 12 months.

Table 2: Number of Selected Servicemembers Who Indicated Experiencing Sexual Harassment within the Preceding 12 Months and Action Taken

Action taken	Female	Male	Total
Filed formal complaint through the equal opportunity representative	4	0	**4**
Reported incident to equal opportunity representative without filing a formal complaint	6	2	**8**
Reported incident to supervisor/superior without filing a formal complaint	14	4	**18**
Confronted individual about the incident without filing a formal complaint	23	8	**31**
Did not report the incident to anyone	14	6	**20**
Total	**61**	**20**	**81**

Source: GAO.

Note: Totals in this table do not correspond with the number of servicemember respondents in our sample who indicated that they had been harassed sexually during the preceding 12 months because some servicemembers indicated that they took more than one action following an incident and are represented in the table more than once. Also, some servicemembers did not respond to all questions.

DOD's *2010 Workplace and Gender Relations Survey of Active Duty Members* also found that an estimated 21 percent of women and 3 percent of men indicated that they had been harassed sexually during the preceding 12 months. Further, DOD's survey found that of the servicemembers who indicated experiencing unwanted gender-related behavior, including sexual harassment, during the preceding 12 months, the majority (an estimated 80 percent of women and 90 percent of men) chose not to report the incident.[18] The most frequently cited reasons servicemembers gave for not reporting the incident were:

- Was not important enough to report (61 percent women, 55 percent men).

[18]DOD's survey defines unwanted gender-related experiences as sexual harassment, sexist behavior, and three components of sexual harassment: crude/offensive behavior, unwanted sexual attention.

- Took care of the problem themselves (62 percent women, 47 percent men).
- Afraid of negative professional outcomes (35 percent women, 23 percent men).
- Felt uncomfortable making a report (33 percent women, 22 percent men).
- Did not think anything would be done (33 percent women, 27 percent men).
- Thought they would be labeled a troublemaker (33 percent women, 22 percent men).

Our site visits revealed similar reasons why servicemembers who feel sexually harassed may choose not to report the incident. For example, reasons cited by servicemembers at the locations we visited included the belief that the incident was not sufficiently serious to report, the belief that it would not be taken seriously if reported, and the fear of being subject to social or professional retaliation if the incident were reported. During our small-group discussions, servicemembers elaborated on reasons why individuals who feel they have been sexually harassed may choose not to report the incident. For example:

- A senior enlisted female observed that people want results immediately, and there is a process that has to be followed for filing a formal sexual harassment claim, and that the reporting process can take time which may turn some people off from reporting an incident.
- A mid-level enlisted male observed that some male servicemembers would be reluctant to file a sexual harassment complaint for fear of being viewed as weak or unable to handle the problem on their own. Female servicemembers may not file a sexual harassment complaint because they fear being ostracized from their unit.
- A senior officer male commented that “whistleblowers do not have a good track record in the military” and that by reporting something like sexual harassment “you’re setting yourself up to be viewed as a whistle blower. Or, you might worry how you’ll be perceived by the other members of your unit.”
- Several servicemembers observed that reporting an incident of sexual harassment is perceived as something that can ruin your reputation. A junior enlisted female observed that if you report sexual harassment, you won’t get promoted. A junior officer female commented that some people choose not to report that they have been sexually harassed because they don’t want the incident to go public. Others fear that if they make a complaint, they will be retaliated against.

- A junior enlisted female observed that she did not report a sergeant in her unit, whom she perceived made sexual comments about women, because she felt "things would just get ugly."
- A mid-level enlisted female observed that complaints of sexual harassment are not always taken seriously regardless of who reports them, commenting that "when servicemembers feel that the higher ups do not get the same punishment, they will likely not report an incident when it occurs."

DOD Has Limited Oversight of Its Sexual Harassment Policies and Programs

DOD's directive charges the Office of the Under Secretary of Defense for Personnel and Readiness with responsibility for developing the department's overall military equal opportunity policy and for monitoring the services' compliance with DOD's policy.[19] The Office of the Under Secretary of Defense for Personnel and Readiness, in turn, has delegated these responsibilities to its Office of Diversity Management and Equal Opportunity. However, according to a senior level program official with the office, that office's oversight of sexual harassment issues is primarily reactive rather than proactive and is generally limited to responding to requests for information. For example, according to this official, about 70 percent of the office's oversight activities consist of responding to requests for information by Congress, DOD leadership, or the media. Moreover, according to officials in the Office of Diversity Management and Equal Opportunity, the office has limited dedicated staff to oversee the department's efforts, such as to review the services' military equal opportunity programs. Specifically, according to officials, since 2008 the program manager for the department's military equal opportunity program has simultaneously served in multiple other roles, including as acting and deputy director of the Office of Diversity Management and Equal Opportunity, and as liaison to the Defense Equal Opportunity Management Institute. Although program officials told us that the Office of Diversity Management and Equal Opportunity also holds quarterly meetings with the services, the officials stated that sexual harassment is not a topic regularly addressed at these meetings.

We found that the Office of Diversity Management and Equal Opportunity has not established a framework to guide its oversight of the department's programs for addressing incidents of sexual harassment. While we

[19]Department of Defense Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995).

recognize that sexual harassment is only one component of the department's military equal opportunity program, a senior level program official with the office told us that the office does not have a formal process or plan for monitoring and overseeing the department's efforts to help prevent and to address incidents of sexual harassment involving servicemembers. Our prior work on DOD's programs to address the incidence of domestic violence in the military and sexual assault has demonstrated the importance of establishing an oversight framework and has shown that having an effective plan for implementing programs and measuring progress can help decision makers determine whether initiatives are achieving the desired results.[20] Successful program oversight requires clearly defining a program's mission and establishing performance goals, objectives, milestones, and metrics to measure progress towards them. Further, we have developed a body of work to assist agencies in implementing a strategic planning and reporting framework to help make their programs results-oriented.[21] For example, we have reported that an effective plan for implementing a results-oriented oversight framework requires agencies to clearly establish performance goals for which they will be held accountable, measure progress toward those goals, determine strategies and resources to effectively accomplish those goals, use performance information to make programmatic decisions necessary to improve performance, and formally communicate results in performance reports. However, we found that DOD has opportunities for improvement in all four components of a results-oriented oversight framework. Examples include:

Establish a clear mission and performance goals, and measure progress. The Office of Diversity Management and Equal Opportunity has not clearly defined a role for providing oversight or established performance goals or metrics for measuring progress in the department's sexual harassment programs. According to a senior level program official with the office, senior DOD officials have not communicated their

[20]See, for example, GAO, *Military Personnel: Sustained Leadership and Oversight Needed to Improve DOD's Prevention and Treatment of Domestic Abuse*, GAO-10-923 (Washington, D.C.: Sept. 22, 2010); GAO-10-215; and GAO-08-924.

[21]See, for example, GAO-08-924; GAO, *Military Personnel: DOD Needs an Oversight Framework and Standards to Improve Management of Its Casualty Assistance Programs,* GAO-06-1010 (Washington, D.C.: Sept. 22, 2006); and *Results-Oriented Government: GPRA Has Established a Solid Foundation for Achieving Greater Results,* GAO-04-38 (Washington, D.C.: Mar.10, 2004).

expectations of the office, and it is unclear whether the role of the office is advisory, service-focused, or policy centered. Further, officials also said that the role of the Office of Diversity Management and Equal Opportunity role is unclear.

Determine strategies and resources needed to accomplish goals. DOD has not identified the resources it needs to carry out its oversight responsibilities. According to officials in the Office of Diversity Management and Equal Opportunity, funding, resource and staffing requirements for the office change depending on the direction of the administration and political leaders. For example, according to officials, in 1994 the Secretary of Defense assigned a political appointee to address specific equal opportunity and sexual harassment concerns within DOD, but in 2000, the incoming administration did not assign a political appointee to the same position. As noted above, since 2008, the program manager for DOD's military equal opportunity program has also served in multiple other roles.

Use performance information to make decisions for improvement. Office of Diversity Management and Equal Opportunity officials said they use the results of DOD surveys, such as DOD's *2010 Workplace and Gender Relations Survey of Active Duty Members*, to inform their decision-making and make policy changes. The officials said they analyze the results of the surveys to identify forms of sexual harassment incidents that occur, servicemembers' perceptions of leadership support for the department's policies and programs, and servicemembers' satisfaction with the department's prevention of sexual harassment training and sexual harassment complaint processes. They said the office then uses this information to make policy changes when appropriate. However, at the time of our review, the Office of Diversity Management and Equal Opportunity did not provide us with requested documentation of any analysis of DOD's survey data, or how any such analyses of the survey results have resulted in policy changes.

Communicate Results. DOD has not communicated its results because, at the time of our review, it had not conducted a departmentwide evaluation of the effectiveness of its sexual harassment policies and programs. Further, an Office of Diversity Management and Equal Opportunity official told us that an annual reporting requirement established in DOD's policy has not been enforced for almost a decade, resulting in little oversight of the department's sexual harassment policies and programs. Specifically, DOD Directive 1350.2 requires that the services provide the Office of the Under Secretary of Defense for

Personnel and Readiness with an annual assessment of their efforts, and that the assessments include specific quantitative data for complaints of sexual harassment. However, the Office of Diversity Management and Equal Opportunity has not enforced this reporting requirement since 2002, according to the official. When asked why the services were not providing these reports, a senior level program official with the office stated this reporting requirement was discontinued primarily as a result of changes to the definitions of race and ethnicity data collection categories by the Office of Management and Budget. Further, the official stated that the reports were not needed.

Without an established framework for oversight, decision makers in DOD do not have the information they need to effectively oversee the department's sexual harassment policies and programs or to determine whether the programs, as currently implemented, are helping to prevent the occurrence of sexual harassment. Moreover, active duty servicemembers cannot be assured that the department is addressing the issue of sexual harassment as fully as necessary.

Conclusions

Occurrences of sexual harassment and other forms of unlawful discrimination can jeopardize the military's combat readiness and ability to accomplish its mission and, according to DOD, must be eliminated from the department. As part of its military equal opportunity program, DOD has taken steps in an effort to help prevent and to address incidents of sexual harassment. However, simply instituting a policy and a program is not enough. For individuals in positions of leadership, support for DOD's sexual harassment policies and programs must be unequivocal—those who do not take the issue of sexual harassment seriously or who do not address incidents when they occur can undermine the department's efforts. Commanders who do not comply with DOD's requirements to conduct climate assessments potentially risk failing to identify and address sexual harassment issues before they escalate. Similarly, while DOD recognizes that its guidance for addressing incidents of sexual harassment in certain environments is inadequate, the department has not taken steps to fix it leading to potential confusion, undermining servicemembers' confidence in its programs, and decreasing the likelihood that sevicemembers will turn to the programs if needed. Further, without more complete and accurate data that can be compared across the services, decision makers do not have the information needed to better assess the occurrence of sexual harassment, identify specific problem areas or trends, and initiate corrective action. Overarching is, the absence of an oversight framework— including performance goals,

objectives, milestones, and metrics—that limits the ability of decision makers to assess the effectiveness of the department's policies and programs for addressing incidents of sexual harassment. These problems are not new to the department, but DOD has not demonstrated the commitment necessary to effectively address them. We believe that successfully addressing these issues will require committed DOD leadership and involvement over time.

Recommendations for Executive Action

We recommend that the Secretary of Defense take the following five actions:

To improve leadership's commitment to preventing and responding to incidents of sexual harassment, direct the Under Secretary of Defense for Personnel and Readiness to develop a strategy for holding individuals in positions of leadership accountable for promoting, supporting, and enforcing the department's sexual harassment policies and programs.

To improve implementation of the department's sexual harassment policies and programs:

- Direct the service secretaries to verify or track military commanders' compliance with existing requirements that commanders periodically determine their organizational health and functioning effectiveness by periodically assessing their equal opportunity climate through "command climate" assessments.

- Direct the Under Secretary of Defense for Personnel and Readiness to develop guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the services are operating together.

To improve DOD's visibility over formal sexual harassment complaints involving active duty servicemembers, direct the Under Secretary of Defense for Personnel and Readiness to take steps to ensure that the services' complaint data are complete and accurate and establish reporting requirements specifying uniform data elements that the services should use when collecting and reporting information on formal sexual harassment complaints.

To enhance oversight of the department's program to help prevent and to address incidents of sexual harassment involving servicemembers, direct the Under Secretary of Defense for Personnel and Readiness to ensure

that the Office of Diversity Management and Equal Opportunity develops and aggressively implements an oversight framework to help guide the department's efforts. At a minimum, such a framework should contain long-term goals, objectives, and milestones; strategies to accomplish goals; criteria for measuring progress; and results-oriented performance measures to assess the effectiveness of the department's sexual harassment policies and programs. Such a framework should also identify and include a plan for ensuring that adequate resources are available to carry out the office's oversight responsibilities.

Agency Comments and Our Evaluation

In commenting on a draft of this report, DOD concurred with each of our recommendations. Further, DOD stated that the department will develop an executable plan, prioritize actions, and address resourcing for the changes recommended. DOD's comments are reprinted in appendix II. DOD also provided technical comments, which we considered and incorporated where appropriate.

In concurring with our first recommendation, that the department develop a strategy for holding individuals in positions of leadership accountable for promoting, supporting, and enforcing the department's sexual harassment policies and programs, DOD stated that leadership accountability is essential to the success of the department's efforts to prevent sexual harassment. To address our recommendation, DOD stated that it will develop an overarching strategy of holding leaders at appropriate levels in the organization accountable for promoting, supporting, and enforcing the department's sexual harassment policies and programs and will include this strategy in revised guidance—to be published in fiscal year 2012—for DOD's military equal opportunity program. We commend the department for committing to develop and implement such a strategy.

In concurring with our recommendations aimed at improving implementation of the department's sexual harassment policies and programs—specifically, that the department (1) verify or track military commanders' compliance with existing requirements to periodically assess their equal opportunity climate through "command climate" assessments and (2) develop guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the services are operating together—DOD stated that it will address these issues as part of its revised guidance discussed above. For example, DOD noted that the department will collaborate with the services and the Defense Equal Opportunity Management Institute in preparing this guidance to ensure that service structures, missions, resources, and

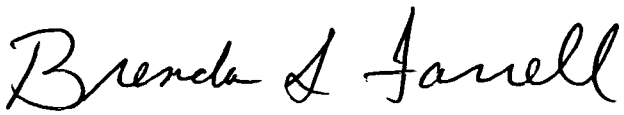
operational needs are considered. We also believe that it is important for the department to work collaboratively in developing any new guidance in addressing these issues.

In its concurrence with our recommendation that the department should take steps to ensure that the services' complaint data are complete and accurate and establish reporting requirements specifying uniform data elements that the services should use when collecting and reporting information on formal sexual harassment complaints, DOD stated that it will review the services' existing systems and explore alternatives for establishing reporting requirements by the end of fiscal year 2012. We commend the department for committing to take steps to ensure that the services' complaint data are more complete and accurate.

Finally, in its concurrence with our recommendation that the department develop and aggressively implement an oversight framework to help guide its efforts, DOD stated that a proposal is in place that could help "strengthen and institutionalize the responsibilities and authorities needed for successful implementation" of the department's efforts to address sexual harassment. We agree that successfully addressing these issues will require committed DOD leadership and involvement over time. However, as noted in our report, we also believe that successful program oversight requires clearly defining a program's mission and establishing performance goals, objectives, milestones, and metrics to measure progress toward them. Establishing a comprehensive plan that includes such things as performance goals, objectives, milestones, and metrics will be critical to helping ensure that DOD leadership and decision makers have the information they need to effectively oversee the department's sexual harassment policies and programs.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to other interested congressional committees; the Secretaries of Defense, the Army, the Navy, and the Air Force; and the Commandant of the Marine Corps. In addition, the report will be available at no charge on GAO's Web site at http://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.



Brenda S. Farrell
Director
Defense Capabilities and Management

Appendix I: Scope and Methodology

To determine the extent to which the Department of Defense (DOD) has developed and implemented policies and programs to prevent and respond to incidents of sexual harassment involving servicemembers, we obtained and analyzed DOD's and each of the military service's guidance and requirements for the prevention, response, and resolution of complaints of sexual harassment involving active duty servicemembers.[1] We also interviewed knowledgeable officials in the Office of the Secretary of Defense and the respective program offices for addressing sexual harassment matters in the Army, the Air Force, the Navy, and the Marine Corps. In addition, we conducted site visits to select locations to assess implementation of the department's sexual harassment policies and programs. The locations we visited were selected based on a number of factors, including units' missions; the availability of personnel; and recent deployment histories. The locations we visited included Camp Victory, Iraq; Fort Carson, Colorado; Lackland Air Force Base, Texas; Marine Corps Base Camp Lejeune, North Carolina; Naval Station Norfolk, Virginia; and the U.S.S. Carl Vinson (CVN-70), a Nimitz-class Aircraft Carrier, at Naval Air Station North Island, California. During our site visits we met with program officials, judge advocates, chaplains, and representatives from local inspector general's offices. We also met with military commanders (company and field grade officers) and senior enlisted servicemembers to discuss the steps they have taken to establish a command climate that discourages sexual harassment from occurring, as well as their personal experiences resolving complaints of sexual harassment in their units. In addition, we obtained servicemembers' perspectives on issues such as command climate, prevention of sexual harassment training, and personal experiences with sexual harassment in the military by conducting a total of 59 small-group discussions with enlisted servicemembers and officers and by administering a short, confidential survey to a total of 583 servicemembers during our site visits.

To determine the extent to which DOD has visibility over the occurrence of sexual harassment involving servicemembers, we obtained and analyzed the services' available sexual harassment complaint data for fiscal years 2008, 2009, and 2010. To assess the reliability of the data,

[1]We limited our scope in conducting this review to DOD's policies and programs to help prevent and to address incidents of sexual harassment involving the active components of DOD. Therefore, we did not address DOD's sexual harassment policies and programs for the reserve or guard components of DOD or for its civilian employees.

we discussed these data with officials in Office of the Secretary of Defense and the services to gain an understanding of the processes and databases used to collect and record data and to understand existing data quality control procedures and known limitations of the data. We compared the data collected from the different services and found inconsistencies. When we found inconsistencies with the data, we followed up with service officials to attempt to reconcile these differences. We ultimately determined that the data we received from the services could not be compared across services and therefore were not reliable for the purposes of providing departmentwide information because of our concerns about the completeness and accuracy of the data, which we discuss in our report. As a result, these data were not included in this report. We also reviewed the results of the Defense Manpower Data Center's (DMDC) *2010 Workplace and Gender Relations Survey of Active Duty Members.* We assessed the reliability of the 2010 survey by reviewing survey documentation provided by DMDC and discussing the survey data with officials at DMDC. Based on our review and discussions, we determined that DMDC's survey data were sufficiently reliable for the purpose of our report. All percentage estimates we report from DMDC's survey have margins of error at the 95 percent confidence level of plus or minus 2 percentage points or less. To understand why servicemembers may not report incidents of sexual harassment, we obtained servicemembers' perspectives on a variety of sexual harassment matters through our small-group discussions and by administering a nongeneralizeable survey to selected servicemembers.

To determine the extent to which DOD provides oversight of its policies and programs for addressing incidents of sexual harassment, we interviewed knowledgeable officials in the Office of the Secretary of Defense and each of the services in order to obtain a comprehensive understanding of the processes, procedures, and controls in place for monitoring and overseeing the programs. We also obtained and analyzed various pertinent documents, including the results of prior studies of sexual harassment in the military, federal internal control standards,[2] and prior GAO reports on the use of performance measures to evaluate programmatic efforts.

[2]See GAO, *Standards for Internal Control in the Federal Government,* GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999) and *Internal Control Management and Evaluation Tool,* GAO-01-1008G (Washington, D.C.: August 2001).

To obtain servicemembers' perspectives on the issue of sexual harassment in the military, we conducted small-group discussions with selected servicemembers and administered a nongeneralizeable survey to the participants. Our objective in using this approach was to obtain servicemembers' perspectives on several topics related to the issue of sexual harassment in the military because discussion groups are intended to provide in-depth information about participants' reasons for holding certain attitudes about specific topics and to offer insights into the range of concerns they may or may not have for an issue. Our small-group discussions were not designed to (1) demonstrate the extent of a problem or to generalize the results to a larger population, (2) develop a consensus to arrive at an agreed-upon plan or make decisions about what actions to take, or (3) provide statistically representative samples or reliable quantitative estimates.

To select the participants for our discussion groups, we requested that the locations we visited provide us with a list of available personnel. From the lists provided, we randomly selected participants based on gender and rank with the goal of meeting with 8 to 15 servicemembers in each discussion group. At most of the locations we visited, we held a total of 10 discussion groups, for a total of 59.[3] Although the results of our discussion groups are not generalizable and therefore cannot be projected across DOD, a service, or any single location we visited, the composition of our discussion groups was designed to ensure that we spoke with servicemembers across the enlisted and officer ranks (E1-O6), and across the military services.

To facilitate our discussion groups, we developed a discussion guide to help the GAO moderator in addressing several topics on the issue of sexual harassment in the military.[4] These topics include servicemembers' perspectives of what constitutes sexual harassment, command climate and sexual harassment, prevention of sexual harassment training, and what could be done to better address the issue of sexual harassment in

[3]We held only nine discussion groups with servicemembers while aboard the U.S.S. Carl Vinson because there were no senior officer females available to meet with us at the time of our visit.

[4]To develop questions for our discussion groups and survey we reviewed several DOD surveys and studies of issues such as command climate and sexual harassment in the military. We pretested the content and format of our questions and made adjustments as necessary.

the military. Because of the sensitivity of the information we were seeking, we took several steps to help assure a confidential environment during our discussion groups. First, we did not document the names of the participants of any of our sessions. Further, as discussed above, we broke out our small-group discussions by rank and gender. For example, we met with junior enlisted females separate from junior enlisted males. Finally, we had male GAO analysts facilitate our discussions with male servicemembers and female GAO analysts facilitate our discussions with female servicemembers.

At the beginning of each discussion, we administered our nongeneralizable survey. The purpose of our survey was to (1) collect information from the participants that could not easily be obtained through discussion, for example, information participants may have been uncomfortable sharing in a group setting, and (2) collect some of the same data found in past DOD and GAO surveys. Specifically, the survey included questions designed to collect information on servicemembers' personal experience with sexual harassment in the military and their perspectives on such things as command climate, barriers to reporting incidents of sexual harassment, and the extent to which sexual harassment is a problem in the military, among others. Most of the servicemembers to whom we administered our survey participated in the small-group discussions; however, since participation was not compulsory, as well as due to space limitations, some participants left our discussions early or were dismissed. Table 3 provides information on the number of surveys we received from servicemembers during our discussion groups.

Table 3: Number of Surveys Administered, by Location and Gender

Location	Males	Females	Total
U.S. Army			
Camp Victory, Iraq	43	31	**74**
Fort Carson, Colorado	34	26	**60**
U.S. Air Force			
Lackland Air Force Base, Texas	41	36	**77**
U.S. Navy			
Naval Station Norfolk, Virginia	69	77	**146**
U.S.S. Carl Vinson	55	30	**85**
U.S. Marine Corps			
Marine Corps Base Camp Lejeune, North Carolina	77	64	**141**
Total	**319**	**264**	**583**

Source: GAO.

Following the conclusions of all our discussion groups we performed a content analysis of the discussions in order to identify the themes that emerged and to summarize servicemembers' perspectives of sexual harassment in the military. We reviewed responses from several of the small-group discussions and created a list of themes and subtheme categories. One analyst then independently reviewed the comments from each of the 59 discussion groups and assigned comments to the appropriate category, which was agreed upon by two analysts. If agreement was not reached on a comment's placement in a category, another analyst reconciled the issue by placing the comment in either one or more of the categories. The responses in each category were then used in our evaluation and discussion of how active duty servicemembers perceive the issue of sexual harassment in the military.

We conducted our small-group discussions and administered our nongeneralizeable survey during site visits we conducted between September 2010 and February 2011. Because our survey asked participants to consider their experiences over the past 12 months while in the military, participants' responses may cover the period between September 2009 and February 2010.

We visited or contacted the following organizations during our review:

Department of Defense

- Defense Equal Opportunity Management Institute, Patrick Air Force Base, Florida
- Defense Manpower Data Center, Arlington, Virginia
- Inspector General's Office, Arlington, Virginia
- Office of Diversity Management and Equal Opportunity, Arlington, Virginia
- Sexual Assault Prevention and Response Office, Arlington, Virginia

Office of the Chairman, Joint Chiefs of Staff

- J-1, Manpower and Personnel, Arlington, Virginia

Department of the Army

- Army Forces Command, Fort McPherson, Georgia
- Sexual Harassment / Assault Response and Prevention Program, Washington, D.C.
- Office of the Inspector General, Washington, D.C.
- Camp Victory, Iraq
- Fort Carson, Colorado

Department of the Air Force

- Air Force Equal Opportunity Office, Arlington, Virginia
- Air Force Personnel Center, Randolph Air Force Base, Texas
- Office of the Judge Advocate General, Arlington, Virginia
- Joint Base San Antonio, Texas
- Lackland Air Force Base, Texas

Department of the Navy

- Navy Personnel Command
  - Office of Women's Policy, Washington, D.C.
  - Navy Equal Opportunity Office, Millington, Tennessee
- Naval Station Norfolk, Virginia
- U.S.S. Carl Vinson (CVN-70), Naval Air Station North Island, California

United States Marine Corps

- Manpower and Reserve Affairs,

- Manpower Plans and Policy Division, Equal Opportunity and Diversity Management Branch, Marine Corps Base Quantico, Virginia

- Marine Corps Base Camp Lejeune, North Carolina
- Marine Corps Base Quantico, Virginia

We conducted this performance audit from May 2010 through September 2011 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the Department of Defense

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND READINESS

SEP 13 2011

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Farrell:

This is the Department of Defense (DoD) response to the GAO Draft Report, GAO-11-809, "PREVENTING SEXUAL HARASSMENT: DoD Needs Greater Leadership Commitment and an Oversight Framework," dated August 9, 2011 (GAO Code 351480)."

The Department concurs with the GAO Draft Report recommendations and will develop an executable plan, prioritize actions, and address resourcing for the changes recommended. Where examples of Service "best practices" are cited in the draft report, the Department will work collaboratively to implement them in an effort to sustain military readiness by establishing a culture free of sexual harassment throughout DoD.

Attached are comments on each recommendation prepared according to the format provided by GAO instructions. The Department of the Army submitted technical comments addressing objective corrections to factual information included in the report. The technical comments were sent to the GAO by e-mail and acknowledged on Thursday, August 25, 2011.

Mr. Jimmy Love is the DoD Primary Action Officer. If you have any questions, please contact Mr. Love by telephone at (703) 571-9331 or e-mail james.love@osd.mil.

Jo Ann Rooney
Principal Deputy

Attachment:
As stated

GAO Draft Report Dated August 9, 2011
GAO-11-809 (GAO CODE 351480)

"PREVENTING SEXUAL HARASSMENT: DOD NEEDS GREATER LEADERSHIP COMMITMENT AND AN OVERSIGHT FRAMEWORK"

DEPARTMENT OF DEFENSE COMMENTS TO THE GAO RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to develop a strategy for holding individuals in positions of leadership accountable for promoting, supporting, and enforcing the Department's sexual harassment policies and programs.

DoD RESPONSE: Concur. Leadership accountability is essential to the success of Service and DoD efforts to prevent sexual harassment. DoD will address this recommendation in Fiscal Year 2012 in collaboration with the Military Services through a systematic review of existing Service methods to ensure accountability. The goal of the review will be to develop an overarching DoD strategy of holding leaders at appropriate levels in the organization accountable for promoting, supporting, and enforcing the Department's sexual harassment policies and programs. The DoD strategy will be included in a revised DoD instruction addressing the DoD Military Equal Opportunity Program. The new instruction will be coordinated through DoD and the Military Services and published in Fiscal Year 2012.

RECOMMENDATION 2: The GAO recommends that the Secretary of Defense direct the Service secretaries to verify or track military commanders' compliance with existing requirements that commanders periodically determine their organizational health and functioning effectiveness by periodically assessing their equal opportunity climate through "command climate" assessments.

DoD RESPONSE: Concur. Senior leaders demonstrate commitment by monitoring compliance with requirements aimed at creating an organizational culture free of sexual harassment. DoD plans to address this recommendation with specific guidance in a revised DoD instruction addressing the DoD Military Equal Opportunity Program. The new instruction will be coordinated through DoD and the Military Services and published in Fiscal Year 2012. DoD will continue collaboration with the Military Services and the Defense Equal Opportunity Management Institute (DEOMI) in preparing guidance to ensure Service structures, missions, resourcing, and operational needs are considered.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to develop guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the Services are operating together.

DoD RESPONSE: Concur. Service members should not be denied the benefit of their parent Service's equal opportunity and counseling systems if necessary to ensure the DoD standards on complaint handling are met for each member. DoD and the Military Services will collaborate to propose guidance on how incidents of sexual harassment should be handled in environments wherein two or more of the Services are operating together for the Commanders of the Combatant Commands and the Directors of Defense Agencies under the Office of the Secretary of Defense Principal Staff Assistants. The proposed guidance will reflect the standards, values, and principles of existing Service programs, resources, and counseling services and will be included in the new DoD Military Equal Opportunity Program instruction, which will be coordinated through DoD and the Military Services and published in Fiscal Year 2012. DoD will consider existing Service or Joint Basing guidelines that may serve as "proven practices" in the development of joint-service guidance.

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to take steps to ensure that the Service's complaint data are complete and accurate and establish reporting requirements specifying uniform data elements that the Services should use when collecting and reporting information on formal sexual harassment complaints.

DoD RESPONSE: Concur. Complete, accurate and consistent data help inform DoD and Service leadership decisions related to sexual harassment program policy, prevention and training, and problem analysis. The Department will collaborate with the Military Services to ensure that the Service's complaint data are complete and accurate and to develop uniform data elements that the Services should use when collecting and reporting information on formal sexual harassment complaints. DoD will review existing Service database management systems and explore alternatives for establishing reporting requirements that comply with Secretary of Defense efficiencies guidance by the end of Fiscal Year 2012.

RECOMMENDATION 5: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness to ensure that the Office of Diversity Management and Equal Opportunity develops and aggressively implements an oversight framework to help guide the Department's efforts. At a minimum, such a framework should contain long-term goals, objectives, and milestones; strategies to accomplish goals; criteria for measuring progress; and results-oriented performance measures to assess the effectiveness of the Department's sexual harassment policies and programs. Such a framework should also identify and include a plan for ensuring that adequate resources are available to carry out the office's oversight responsibilities.

DoD RESPONSE: Concur. The Office of the Under Secretary of Defense for Personnel and Readiness recognizes the need for an oversight framework to help guide the Department's prevention of sexual harassment efforts. The Office of Diversity Management and Equal Opportunity (ODMEO) is presently preparing a new DoD instruction on the Military Equal Opportunity (MEO) Program which proposes to place the Deputy's Advisory Working Group (DAWG) in the MEO Program oversight framework which includes the prevention of sexual harassment. The DAWG, a DoD senior leadership advisory group, is a highly effective

enterprise governance forum which is chaired by the Deputy Secretary of Defense, established to communicate the senior leadership's direction, and focuses on operational-level decision-making (deliverables) and socialization across the Department as it pertains to budget issues and technical programs. ODMEO believes that placing the DAWG within the MEO Program oversight framework will strengthen and institutionalize the responsibilities and authorities needed for successful implementation of sexual harassment policies. The new DoD MEO Program instruction is on track to be coordinated through DoD and the Military Services and published in Fiscal Year 2012.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Acknowledgments

In addition to the contact named above, key contributors to this report include David E. Moser (Assistant Director), Marilyn K. Wasleski (Assistant Director), James D. Ashley, K. Nicole Harms, P. Nicole Harris, Gloria Hernandezsaunders, Wesley A. Johnson, Chelsea Kinsman, Ronald La Due Lake, Jonathon P. Oldmixon, Jillena Roberts, John S. Townes, Cheryl A. Weissman, and Elizabeth W. Wood. In addition, Jennifer Andreone, Lisa Canini, Burns Chamberlain, Katherine Forsyth, Gilbert Kim, Anne McDonough-Hughes, and Michael Rohrback provided assistance during site visits.

Related GAO Products

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