



INSTITUTE FOR DEFENSE ANALYSES

**Sexual Misconduct in the Military:  
Contextualizing the Problem Space,  
Advancing the Dialogue**

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February 2021

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IDA Document D-21578

Log: H 21-000064



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### **About This Publication**

This work was conducted by the Institute for Defense Analyses under contract HQ0034-19-D-0001, Project BE-2-4764, “Contextualizing Sexual Misconduct in the Military,” for the U.S. Army’s Sexual Harassment/Assault Response and Prevention (SHARP) Division in the Army Resilience Directorate (ARD) under HQDA, G-1. The views, opinions, and findings should not be construed as representing the official position of either the Department of Defense or the sponsoring organization.

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# Executive Summary

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## Background

Sexual misconduct is a significant social problem, both in and out of the military. It can be life-altering for those who experience it, and it can cause significant strain in the communities where it happens. Military policymakers have called for an evidence-based understanding of the individual and contextual factors that may contribute to sexual misconduct. The Headquarters, Department of the Army Deputy Chief of Staff/G-1, Army Resilience Directorate, and the Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) tasked the Institute for Defense Analyses (IDA) to identify research opportunities that could be used to inform future interventions. The purpose of this document is to introduce the state of knowledge on sexual misconduct and provide recommendations on how to advance this important area of research.

Sexual misconduct may be understood as non-consensual sexual activities that involve two or more persons. In the military context, the person who initiates the misconduct is known as the “subject,” while the person who experiences it is known as the “survivor.” Outside the military, subjects are also referred to as “perpetrators” or “offenders,” while survivors are typically identified as “victims.” While a variety of behaviors may be considered sexual misconduct, this review focuses on sexual assault and sexual harassment.

Every other year, the Workplace and Gender Relations Survey of Active Duty Members (WGRA) is administered to monitor the prevalence of sexual misconduct over the course of a 12-month period. Findings from the 2018 WGRA showed that 0.7% of male and 6.2% of female active duty service members experienced at least one incident of sexual assault during the previous year (Breslin et al. 2019). In absolute numbers, this translates to 7,546 male and 12,927 female service members stating that they experienced at least one sexual assault over the course of a single year (Breslin et al. 2019). It is more difficult to estimate the prevalence of sexual harassment, both in and out of the military, since there is less consistency in how people determine what counts as an incident (Johnson, Widnall, and Benya 2018). That said, every documented estimate suggests that the prevalence of sexual harassment is much higher than that of sexual assault. According to the 2018 WGRA, approximately 24.2% of active duty women and 6.3% of men experienced sexual harassment at least once in 2018 (Breslin et al. 2019). The 2018 results should be interpreted with caution, since estimates from 2000 to 2012 consistently fluctuated around

50% of women on active duty indicating that they had experienced some type of sexual harassment (Johnson, Widnall, and Benya 2018).

Developing a better understanding of sexual misconduct is important because research shows that sexual misconduct can lead to a wide variety of harms. There is extensive research on the physical and mental impacts of sexual misconduct on survivors (e.g., Bell et al. 2018; Dichter, Wagner, and True 2018; Kimerling and Calhoun 1994; Millegan et al. 2015; Rosellini et al. 2017; Street, Vogt, and Dutra 2009). Survivors who want help from authorities contend with the possibility that reporting may lead to professional and social retaliation from others in their unit (Bonnes 2017; Pershing 2003; Turchik and Wilson 2010). Sexual misconduct can also negatively impact survivors' professional trajectories; it is difficult to excel when one's attention understandably turns towards coping and protecting oneself from future attacks (Klein and Gallus 2018). Should work performance diminish as a result of these stressors, survivors then face the risk of disciplinary action, demotion, and even separation from the military (Millegan et al. 2015; Dichter, Wagner, and True 2018).

Sexual misconduct may also negatively affect organizations within the military's institutional network. Unit performance may suffer when survivors no longer trust that fellow unit members "have their back" (Dichter, Wagner, and True 2018; Klein and Gallus 2018). Organizations also incur costs when survivors' attention is diverted to avoiding perpetrators and tending to physical and mental health needs (Williams 2019). Should survivors cope with sexual misconduct by leaving the military (Bonnes 2019), organizations then bear the cost of recruiting and training replacements.

## **Research Approach**

The purpose of this review is to present an interdisciplinary understanding of what contributes to the incidence of sexual misconduct among active duty service members. We reviewed over 300 studies from 16 academic disciplines and fields to identify factors that may affect impact rates of sexual assault and sexual harassment. Of these, 174 pieces were selected for inclusion in the final review (see Appendix A, Table 1 for a breakout of citations per discipline). This document focuses on introducing what is known about the problem space; a separate but related effort is needed to document the state of knowledge on potential interventions. We begin with an overview of the state of knowledge on "individual factors," that is, the characteristics that may increase the risk of victimization or perpetration. We then turn to research on "contextual factors," that is, any attribute, condition, or state that is shared across members of a group and that may enable or constrain the likelihood of sexual misconduct. Where appropriate, we include recommendations on how to advance each area of research, providing examples whenever possible.

The scope of the review is bound in several ways. Firstly, since the focus is on active duty service members, we devote comparatively less attention to research on sexual misconduct in the National Guard and Reserve components, as well as among government civilians. While these are important areas of research, they are beyond the current focus. Secondly, to help contextualize information about sexual misconduct in the military, we incorporate research on non-military populations whenever possible. Third, we do not limit the scope of the literature review to a set period of time. Academic disciplines vary widely when it comes to determining what time frame counts as relevant. Rather than engaging in disciplinary contests, each expert on the team focused on selecting the most prominent and rigorous studies from their respective fields. The requirements for inclusion were that findings were (1) evidence based and (2) offered insights that were plausibly still relevant. Throughout, we offer a critical perspective on previous research, in the sense that study findings are presented alongside important limitations. The intent is not to dismiss previous work—since every study has limitations—but rather to help readers understand the interpretive boundaries of researchers’ claims.

## **Summary of Findings**

### **Who is at risk of victimization?**

Researchers have identified several factors that may put some individuals at greater risk of experiencing sexual misconduct than others. In the military, the risk of victimization appears to be higher if one is a gender minority or serves in the enlisted grades. The risk of experiencing sexual misconduct is also significantly higher in the Army, Navy, and Marine Corps than in the Air Force.

Research on non-military populations has identified several additional factors that may increase someone’s risk of victimization, including being a racial or ethnic minority, being economically disadvantaged, being a sexual minority, and having some type of disability.

### **Who is at risk of perpetration?**

Research on both military and non-military populations shows that perpetrators of both sexual assault and sexual harassment are more likely to be male than female. Many of the studies that demonstrate this pattern engaged random probability samples, giving their findings notable scientific merit. Research on military populations also shows that one is slightly more likely to be sexually assaulted or sexually harassed by a peer than by a superior. That said, research still shows that approximately 41% of sexual assaults and 22% of sexual harassment incidents against women involved at least one perpetrator who was higher in the chain of command.

Research on non-military populations offers additional insight into about who may be at risk of perpetration. Nationally representative data from 1992 to 2000 found that both men and women were more likely to be sexually assaulted by someone of the same race or ethnicity than by someone with a different racial or ethnic background. Findings from several nationally representative studies also show that over 80% of sexual assaults were perpetrated by someone that the survivor knew before the incident.

### **What do we know about the role of context?**

Some researchers have suggested that the military environment is more conducive to sexual misconduct because males outnumber females and because hyper-masculinity is an integral part of the culture. However, neither of these assertions have been demonstrated through evidence-based research, so they remain unsubstantiated possibilities.

There is evidence that other aspects of culture may affect rates of sexual misconduct; in particular, a group's informal norms around how rules are enforced. Research on military populations highlights the importance of leaders' actions. Specifically, research shows that units in which officers either initiate or fail to stop sexually demeaning actions toward female service members can experience a threefold to fourfold increase in the likelihood of sexual assault. Other studies show that units with leaders who clearly, regularly, and genuinely make efforts to stop sexual harassment may experience lower rates of sexual harassment.

Research on non-military populations shows that dynamics among peers also affect enforcement cultures. Gender norms in peer groups have been identified as significant predictors of both sexual assault and sexual harassment. For example, beliefs about men being naturally more promiscuous and women being naturally better able to control sexual desire have been observed in college peer groups with high rates of sexual assault and low rates of reporting. Research on both military and non-military populations also shows that group cultures can contribute to enforcement behaviors by shaping perceptions of what counts as a reportable offense. Military service members have been observed as reframing sexual misconduct as "hazing" or a "part of being in the boy's club," thereby erasing its relevance as a reportable incident. Research on non-military populations has likewise shown that "girl watching" practices among male coworkers can create confusion about what counts as sexual harassment.

Researchers have also explored whether sexual assault occurs in some situations more often than others. More sexual assaults occur on military installations and ships than off base, which is not surprising, considering the amount of time most service members spend at military locations. Most sexual assaults occur at night and while people are off duty. Enlisted service members are more likely than officers to be attacked while at work. Males face greater risks at military functions and while at work; female service members face greater risks at parties and while socializing with friends. Alcohol is often consumed on

the same day that an incident of sexual assault occurs, but researchers do not yet know whether alcohol has a direct impact on the likelihood of an attack. Evidence suggests that the risk of sexual assault is significantly higher while deployed than in garrison, even after controlling for differences in the amount of time spent in each situation.

Lastly, researchers have explored whether certain contexts are less conducive to sexual misconduct. The local accountability system is one of the more important constraining factors, since it provides a way for survivors to alert authorities to potential perpetrators. The accountability system's punishment mechanisms may also help deter future incidents. Research consistently shows that most incidents of both sexual assault and sexual harassment are not reported, leaving survivors to seek help and protection on their own. Previous research has identified several reasons why people do not report. In the military, some of the more common reasons were: not thinking that what happened qualifies as a reportable incident, fearing retaliation from fellow unit members, and low confidence in the accountability system. Research on non-military populations likewise shows that many survivors do not report because sexual misconduct is downplayed, seen as an expected part of a job, or because they fear retaliation. Research on non-military populations also shows that what counts as workplace sexual harassment varies, depending on the assailant's race and sexual orientation; survivors are more likely to interpret an incident as harassment when the assailant's race and sexual orientation differ from their own.

## **Recommendations**

1. Knowing which characteristics may increase the risk of victimization is important for developing targeted prevention efforts. To advance these efforts—and identify other risk factors—research is needed to understand why some characteristics garner risk while others do not.
2. There is comparatively more research on victims than perpetrators. This imbalance risks putting undue responsibility on potential victims for preventing future incidents. More work is needed to understand who is at risk of perpetration and possible motives. A first step in this direction would be to engage research samples that include, but are not limited to, convicted sex offenders.
3. Systematic empirical examination is urgently needed on contexts and their potential effects. One particularly promising area of research concerns the relationship between unit cultures and sexual misconduct. For example, many people do not report sexual misconduct because they do not believe that what happened qualifies as a reportable offense. Research on non-military populations suggests that this type of reasoning indicates sexual misconduct has become normalized in that particular context. Accordingly, attempts to report are viewed

as going against the group, which then triggers social policing behaviors. Research is needed to understand how sexual misconduct becomes normalized in the culture of a given group.

4. To date, research on military populations has tested whether certain aspects of situations result in more or less sexual misconduct, without looking at how the puzzle pieces fit together. A more systematic and multifaceted examination of situations is needed. This would involve theorizing about “the why,” testing hypotheses empirically, and conducting more comparative research, both within and across populations. A better understanding of situations would offer insight into why the same group of people can engage in sexual misconduct in one moment but not others.
5. Research is needed on what happens after a report is filed, that is, the investigative, adjudicative, and punitive processes that comprise the military justice and accountability system. As of 2016, less than half the survivors who reported sexual misconduct to military authorities felt that the ensuing accountability process improved the situation. With so few studies looking beyond the reporting stage, it is unclear why. To develop a better understanding of what motivates service members’ concerns, in-depth research on each stage of the accountability process is recommended.
6. Professional and social retaliation are significant concerns among survivors, which is understandable considering the high rates of retaliation reflected in the WGRA. To date, there is little empirical evidence on how either form of retaliation operates in practice, both in terms of the processes through which it deters reporting and, more importantly, how it affects the lives of those who do. A more in-depth examination of retaliation experiences is recommended.
7. Most survivors attempt to deal with sexual misconduct on their own, either before or in lieu of contacting authorities. There is almost no information on how survivors manage in these situations. An in-depth look at the range of informal strategies that survivors employ and how they adjudicate between options is recommended.

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# 1. Introduction

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*Sexual assault and sexual harassment rip apart unit trust, discipline and cohesion ... in addition to eroding readiness, sexual assault is just plain wrong and has no place in the Army; everyone has a fundamental right to feel secure in his or her person.*

*Army Chief of Staff General Mark A. Milley, December 2016.*

Military leaders are keenly aware of the damage that sexual misconduct inflicts upon service members and their families. In response, military policymakers have called for an evidence-based understanding of the individual and contextual factors that may contribute to sexual misconduct. Sexual misconduct may be understood as non-consensual, sexual activities that involve two or more persons. In the military context, the person who initiates the misconduct is known as the “subject”; the person who experiences it is known as the “survivor.” Outside the military, subjects are also referred to as “perpetrators” or “offenders,” and survivors are typically identified as “victims.” While a variety of behaviors may be considered sexual misconduct, this review focuses on the two forms referenced by General Milley: sexual assault and sexual harassment. The purpose of this review is to introduce the state of knowledge on sexual misconduct, both in terms of what has been empirically demonstrated through research as well as what remains unclear.

## A. The Prevalence of Sexual Misconduct

The importance of understanding how sexual misconduct works is underscored by the prevalence of sexual assault and sexual harassment in the military. Every year, the Workplace and Gender Relations Survey is administered to collect information on the prevalence of sexual misconduct over the course of the previous year. Active duty service members receive the WGRA version on even years, while National Guard and Reserve components receive the WGRR (Workplace and Gender Relations Survey of Reserve Component Members) version on odd years. Findings from the 2018 WGRA revealed that 0.7% of male and 6.2% of female service members experienced at least one incident of sexual assault during the previous year (Breslin et al. 2019). In absolute numbers, this translated to 7,546 male and 12,927 female service members being sexually assaulted one or more times over the course of a single year (Breslin et al. 2019).

Research shows that the prevalence of sexual assault is not distributed equally across service members. Even after controlling for demographic factors (e.g., age, race/ethnicity), military experiences (e.g., pay grade, deployments), and workplace environment (e.g.,

units, installations), women in the Army, Navy, and Marine Corps are 1.7 times more likely to experience sexual assault than women in the Air Force (Morral, Gore, and Schell 2015). Cross-service differences are even more pronounced for men: the estimated risk of sexual assault in the Army, Navy, and Marine Corps is four times the amount as that of men in the Air Force (Morral, Gore, and Schell 2015).

Research also shows that the prevalence of sexual assault in the military has fluctuated over the last several years, particularly among female service members (Davis et al. 2017, Breslin et al. 2019). From 2014 to 2016, the proportion of service members who had been sexually assaulted in the past 12 months decreased significantly, by 0.6% among women and 0.3% among men (Davis et al. 2007). While the prevalence of sexual assaults among male service members remained about the same from 2016 (0.6%) to 2018 (0.7%), the number of female service members who experienced a sexual assault was significantly higher in 2018 (6.2%) than in 2016 (4.3%) (Breslin et al. 2019).

To put these fluctuations into context, it is worth looking at the rate of sexual assault in the national population around the same time. The National Crime Victimization Survey (NCVS) is an annual, nationally representative survey that documents the incidence of non-fatal crimes against people in the United States of America (U.S.).<sup>1</sup> As one of the longest running surveys on crime (1973 to present), the NCVS is considered the premier source of information on victimization trends. NCVS data show that, from 2015 to 2016, the number of people age 12 and older who were sexually assaulted decreased from 431,840 (1.6 per 1,000 people) people to 298,410 (1.1 per 1,000 people) (Morgan and Truman 2020). From 2016 to 2018, the number of people age 12 and older who were sexually assaulted then increased from 298,410 (1.1 per 1,000 people) to 734,630 (2.7 per 1,000 people). This increase was then followed by a sharp decline in 2019, with approximately 459,310 people (1.7 per 1,000 people) experiencing sexual assault.

While the number of sexual assaults is staggering, it pales in comparison to the number of people who are sexually harassed. Research shows that it is more difficult to accurately estimate the prevalence of sexual harassment, since sexual harassment is less consistently defined than sexual assault (Johnson, Widnall, and Benya 2018). Regardless, every documented estimate suggests that the prevalence of sexual harassment is much higher than that of sexual assault. In the military, approximately 24.2% of active duty women and 6.3% of men were sexually harassed at least once in 2018 (Breslin et al. 2019). These percentages were significantly higher than those from 2016, in which 21.4% of female and 5.7% of male service members were sexually harassed (Breslin et al. 2019).

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<sup>1</sup> Due to methodological differences between the WGRA and the NCVS, the estimates that these two surveys produce are not perfectly comparable. In particular, the WGRA estimates the number of individuals who experienced a sexual assault during the last year (prevalence rate), while the NCVS documents the number of reported sexual assaults that occurred in the reporting year (incidence rate). No single reliable data source that directly compares military and civilian populations currently exists.

Both sets of results should be interpreted with caution, since earlier estimates suggest the prevalence of sexual harassment may be even higher. From 2000 to 2012, the rate of women on active duty who experienced one or more forms of sexual harassment consistently hovered around 50% (Johnson, Widnall, and Benya 2018). These higher estimates are more in line with the estimated prevalence of sexual harassment in the national population. A meta-analysis of 55 probability samples, with over 86,000 respondents, found that approximately 58% of women and 24% of men between 1996 and 2000 had been sexually harassed at work (Ilies et al. 2003). More recently, a nationally representative study that examined sexual harassment in a variety of locations found that 81% of women and 42% of men had experienced some type of sexual harassment during their lives (Kearl, Johns, and Raj 2019).

## **B. The Impact of Sexual Misconduct**

Developing a better understanding of sexual misconduct is important because it can lead to a variety of negative outcomes. Research documents a number of significant mental health challenges among survivors, like demoralization, depression, suicidal ideation, shame, self-doubt, and anxiety (Bell et al. 2018; Kimerling and Calhoun 1994). Combat veterans are more likely to exhibit post-traumatic stress symptoms if they experienced SM than if they had not (Rosellini et al. 2017; Street, Vogt, and Dutra 2009). Research also shows that SM may affect one's physical health, producing symptoms as varied as "rapid or pounding heartbeats, tension headaches, nausea, back pain, allergies, skin disorders, menstrual symptoms, and sudden weight changes" (Kimerling and Calhoun 1994, p. 335; Millegan et al. 2015). In response to these challenges, many survivors turn to harmful coping behaviors that can increase one's risk of substance abuse, eating disorders, and other difficulties (Dichter, Wagner, and True 2018; Bell et al. 2018).

Research shows that SM can negatively impact survivors' professional lives, as well. It is difficult to focus on work when one's attention understandably turns toward avoiding the perpetrator, coping, and preventing future incidents (Bonnes 2019; Klein and Gallus 2018). If work performance diminishes as a result of these stresses, survivors then face the possibility of disciplinary action, demotion, and even separation from the military (Millegan et al. 2015; Dichter, Wagner, and True 2018). Should survivors want support from local authorities and service providers, they then have to contend with the risk that reporting may incur professional and social retaliation from others in their unit (Bonnes 2017; Pershing 2003; Turchik and Wilson 2010).

While comparatively less research examines impacts beyond those borne by survivors, there is some evidence that SM negatively impacts the organizations in which it happens. Research shows that unit cohesion and performance may suffer when an incident of SM breaks survivors' trust that unit members "have their back" (Dichter, Wagner, and True 2018; Klein and Gallus 2018). Organizations also incur costs when survivors'

workplace attention is diverted to avoiding the perpetrator, ruminating about the incident, and help-seeking behaviors (Williams 2019). When survivors cope with the incident by leaving the military (Bonnes 2019), organizations then bear the cost of recruiting and training replacements.

### **C. Document Overview**

The purpose of this document is to present the state of knowledge on what contributes to SM in the military. We focus on elucidating the problem space and identifying opportunities to develop a broader base of scientific research that may inform future interventions. We do not address research on potential interventions and their anticipated effectiveness. As the following sections demonstrate, there is still a lot to be understood about how sexual misconduct works, both in terms of causes and consequences. One thing that is clear, however, is that multiple factors contribute to the incidence of sexual misconduct in a given population. Given this level of complexity, the nuances of how to address sexual misconduct deserve to be unpacked in a separate review that focuses exclusively on potential interventions.

Researchers from a wide variety of fields have attempted to identify factors that may affect the rates of sexual assault and sexual harassment. To develop an understanding of the current state of knowledge, we examined over 300 studies conducted by military researchers, sociologists, criminologists, psychologists, social workers, political scientists, management scientists, legal scholars, gender scholars, public health professionals, and others. Of these, 174 were selected for inclusion in the final review (see Appendix A, Table A-1 for a breakout of citations for each discipline included).

We selected studies based upon several criteria. Firstly, we prioritized studies that were driven by evidence gleaned from empirical research. We relied less heavily on previous literature reviews and theoretical pieces. During the early stages of our review, it became clear that many literature reviews on sexual misconduct ultimately put forth similar arguments. As a result, we only retained theoretical pieces that offered particularly insightful remarks on either the state of knowledge about sexual misconduct or how to study sexual misconduct more effectively. Secondly, we prioritized studies that included or exclusively focused on sexual misconduct among active duty service members. Given the markedly different structures of other elements in the Department of Defense (DoD)—National Guard, Reserves, government civilians, and so forth—it would be worth dedicating separate reviews to understanding sexual misconduct in these contexts. We did, however, incorporate research on sexual misconduct in non-military (i.e., civilian) populations, since it is helpful to situate what is going on in the military within the broader landscape of sexual misconduct in the nation.

Lastly, it is worth noting that we did not focus the literature review on a particular period of time. Academic disciplines vary widely when it comes to determining what

counts as “current” or “relevant” research. Since the purpose of this review is to develop an understanding of what is known about how sexual misconduct works, rather than an understanding of what researchers elect to study, each subject-matter expert on the team was empowered to use whatever time frame they needed. This flexibility allowed each subject-matter expert to select the most prominent and rigorous studies from their respective fields—provided findings offered evidence-based insights that are plausibly still relevant. For example, while Felson and Krohn’s (1990) study on perpetrators’ motives is 30 years old, it was included because there is no reason to believe that society has changed such that at least some offenders are no longer motivated by sexual desire.

After providing an overview of key terms and the challenges of selecting them (Section 2), the document is organized into sections based upon the different types of factors that may contribute to sexual misconduct. Section 3 introduces information on Individual Factors, that is, characteristics that may increase an individual’s risk of becoming involved in sexual misconduct. The first part of this section focuses on who is at risk of victimization, while the second part looks at research on perpetration. Section 4 then turns to research on Contextual Factors, that is to say, any attribute, condition, or state that is shared across members of a group and that may enable or constrain the likelihood of sexual misconduct. The first three parts address contextual factors that researchers believe may enable or facilitate sexual misconduct: group composition, culture, and certain situations. The last part focuses on contextual constraints; in particular, the reporting, investigative, adjudicative, and punishment systems through which perpetrators are held accountable and future incidents are deterred.

Throughout, we offer a critical perspective on previous research, in the sense that study findings are presented alongside important limitations. The intent behind this approach is not to dismiss previous work—since every study has limitations—but rather to help readers understand the inferential boundaries of researchers’ claims. Where appropriate, we also include recommendations on how to advance each area of inquiry, providing examples when possible. The document concludes with a summary of findings and recommendations on how to advance research on sexual misconduct among military personnel.



## 2. Selecting Key Terms

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*Perhaps the one unequivocal statement that can be made about the term “sexual assault” is that it is terribly confusing; the term is endlessly riddled with misunderstanding, mischaracterization, and often, misogyny. Just agreeing on the definition of sexual assault is difficult. Is it rape? Is it something less severe? Does the distinction matter? The term is now so loaded that to even speak of the issue is enough to incite an acute, if not visceral, reaction from many, whether in the military, at colleges and universities, in professional athletics, or in society at large (Carson and Carson 2018, 181).*

### A. Introduction

Unwanted sexual experiences can be characterized in a variety of ways. The definitions that surround each term are neither universally accepted nor mutually exclusive, leading to a great deal of conceptual confusion. Some of the potential causes include the multitude of terms available, a lack of consensus around definitions, and the potential for overlap in how terms are defined (Ormerod and Steele 2018; McCone, Thomsen, and Laurence 2018; Khan et al. 2020; Lussier, McCuish, and Cale 2021). Research, policy, and intervention efforts geared toward addressing unwanted sexual experiences involve important decisions regarding (1) which terms to use and (2) how each will be defined. It can be difficult to make these decisions when there is an array of conflicting options for characterizing each type of experience. In this chapter, we discuss some of the underlying reasons why there are so many choices, introduce several prominent terms, and discuss our reasoning behind using a broader, umbrella term like “sexual misconduct.”

### B. Variation across Stakeholder Communities

One of the key drivers behind much of the confusion is that each stakeholder community is steeped in a different set of traditions regarding which terms to use. At present, the DoD defines sexual assault in DoD Directive (DoDD) 6495.01, Sexual Assault Prevention and Response (SAPR) Program, as

Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ [Uniform Code of Military Justice] offenses: rape, sexual assault, aggravated sexual contact, abusive sexual

contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts (DoD 2020b).

This definition is derived from the UCMJ, established by Congress in 1950, which forms the “basic framework for the military justice system and defines offenses subject to trial by court-martial” (Elsa and Gaffney 2020, 28). Regarding actions related to unwanted sexual activity, the UCMJ bins offenses into three primary categories: minor (subject to summary court-martial); misdemeanors (subject to special court-martial); and felonies (subject to general court-martial) (Elsa and Gaffney 2020).

The UCMJ establishes the legal criteria for what constitutes unwanted sexual activity. With separate articles for sexual harassment, rape, sexual assault, and other sexual misconduct, the UCMJ delineates detailed associated actions, specifies maximum punishments, and addresses standards for court-martial procedures. For example, Article 120 of the UCMJ (“Rape and Sexual Assault Generally”) stipulates all the actions associated with rape, sexual assault, aggravated sexual contact, and abusive sexual contact. Article 120 also identifies what constitutes a defense, what does not, and associated punishments. It is noteworthy that revisions of Article 120 have adjusted the terminology for many offenses. For example, the 1992 revision adjusted the language used for rape to make it gender-neutral (Sullivan 2014). In the recently revised Article 120c, “Other Sexual Misconduct,” computer-crime laws were added to the section focused on indecent exposure. The latest revision also adjusted the maximum penalties associated with each of these actions (Sheftick 2019).

The terms used by academics appear to be driven by the intellectual discipline from which they emerge and the population being studied. Medical and legal literatures often focus on veterans’ experiences (e.g., Kimerling et al. 2007; Smith 2010-2011; Maguen et al. 2012; Suris et al. 2013; Burns et al. 2014; Woods 2014; Wolff and Mills 2016; Blais et al. 2019; Holliday et al. 2019) using terms like “military sexual assault” and “military sexual trauma.” Differently, research on domestic settings (e.g., Coker et al. 2000; Black et al. 2011, Breiding 2014; Dichter, Wagner, and True 2018) tends to describe sexual misconduct as “intimate partner violence.” In research on children and adolescents (e.g., Finkelhor 1994; Kellogg 2005; Pereda et al. 2009; Gewirtz-Meydan and Finkelhor 2020), “sexual abuse” is the most common term.

To their credit, the Centers for Disease Control and Prevention (CDC) and the Government Accountability Office (GAO) have made efforts to call attention to the dizzying array of terms used to describe unwanted sexual experiences. The CDC, for example, has decried a persistent lack of consensus regarding definitions and “how its various components (e.g., penetrative acts, coercion, sexual harassment, non-contact acts) should be measured” (Basile et al. 2014, 3). The GAO reviewed 10 data collection efforts managed by four federal agencies (DoD, the Department of Education, the Department of

Health and Human Services, and the Department of Justice) and documented 23 unique terms (see Appendix A, Table A-2) to describe sexual violence (Goodwin 2016).

GAO found that term selection, to some degree, was a byproduct of differences in how each stakeholder community studied unwanted sexual experiences (Goodwin 2016). For example, efforts that focused on criminal aspects tended to draw upon terms from the criminal justice community, largely from the perspective of using the names of criminal charges. But federal agencies that focused on the public health aspects of unwanted sexual experiences tended to emphasize prevention and response concepts, largely from the perspective of the victim. Of the 10 data collection efforts that the GAO examined, only one combined terms from multiple stakeholder communities (Goodwin 2016). The GAO ultimately recommended that the Office of Management and Budget establish a federal inter-agency forum to coordinate the terms and measures used by data collection efforts focused on one or more aspects of sexual violence (Goodwin 2016). According to the GAO’s recommendations database (GAO 2021), this priority recommendation has yet to be enacted.

### **C. Variation over Time**

The landscape of definitions and terms is further complicated by variation over time. Many of these changes reflect evolutions in social norms, which, in turn, facilitated changes to laws, policies, and discourses. For example, academic research on unwanted sexual experiences has historically focused on individual factors, often through a heteronormative lens—that is, where females are the victims and males are the perpetrators. Recent cultural shifts that expand notions of gender appear to facilitate a broader definitional space that goes beyond male-female gender binaries and includes other victim-perpetrator pairings (Turchik and Wilson 2010; Castro et al. 2015; Armstrong, Gleckman-Krut, Johnson 2018; Khan et al. 2020).

The terms and definitions used by government agencies and departments have also changed over time, for example, to incorporate gender-neutral language. Until 2012, the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program defined rape as the “carnal knowledge of a female forcibly and against her will” (FBI 2014). In 2012, the definition for rape was changed to the following.

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (FBI 2014).

As of the time of this report, the 2012 definition remained widely in use.

As referenced earlier, the DoD derives its definition for sexual assault from the UCMJ. The UCMJ forms the framework for the military justice system, to include the delineation of associated actions, specifications regarding maximum punishments, and

standards for court martial procedures. The most relevant UCMJ article on sexual assault is Article 120, “Rape and Sexual Assault Generally,” which addresses rape, sexual assault, aggravated sexual contact, and abusive sexual contact, as well as computer-based sexual misconduct crimes (Title 10, U.S. Code Section 920, Article 120). It is noteworthy that UCMJ’s Article 120 has undergone multiple significant revisions since it was first enacted. For example, in 2007, the definition of rape was revised to remove the spousal exception to rape and to make the overall definition more gender neutral. Changes that took place from 2012 to 2016 include amendments to the definition of “consent,” the removal of the “bodily harm” element, and amendments to definitions for “sexual acts” and “sexual contact.” A new definition from 2016 clarified what it meant for someone to be “incapable of consent” (Holtzman et al. 2017).

As with definitions for sexual assault, the DoD’s definitions for sexual harassment are derived from the UCMJ and interpretations of the UCMJ in the Manual for Courts-Martial, United States (MCM). The interpretations found in the MCM are important to consider since the UCMJ makes only one explicit reference to sexual harassment. In 2019, the UCMJ was updated in response to National Defense Authorization Acts from 2018 through 2020. The updated UCMJ now includes an article focused on retaliation against people who report sexual misconduct. Specifically, the new article (Title 10 U.S. Code Section 920, Article 132) states:

IN GENERAL.— Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

1. wrongfully takes or threatens to take an adverse personnel action against any person; or
2. wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person; shall be punished as a court-martial may direct.
  - a. Definitions.—In this section:
  3. The term “protected communication” means the following:
    - b. A lawful communication to a Member of Congress or an Inspector General.
    - c. A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:
      - 1) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

Before the enactment of Article 132, court cases involving sexual harassment referenced MCM interpretations regarding sexual harassment in UCMJ Articles, specifically Articles 92, 93, 120, 125, 128, and 134 (Sex Crimes and the UCMJ 2015, 51). Article 93 was the most frequently referenced UCMJ article in cases of sexual harassment (Sex Crimes and the UCMJ 2015). Before 1984, the MCM made no stated association of Article 93, Cruelty and Maltreatment, with sexual misconduct. The 1984 revision of the MCM was the first specifically to list sexual harassment as a form of conduct to be associated with Article 93, “because some forms of such conduct are nonphysical maltreatment” (MCM 1984, A21-89). The latest MCM further expands the range of behaviors that count as sexual harassment to include:

influencing, offering to influence, or threatening the career, pay, or job of another person in exchange for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature. The imposition of necessary or proper duties and the exaction of their performance does not constitute this offense even though the duties are arduous or hazardous or both (MCM 2019, p. IV-29).

A recent Secretary of Defense memorandum called for sexual harassment to be treated as a “stand-alone military crime” in UCMJ (Shanahan 2019). Precedent already existed in the form of 10 U.S.C. 1561, “Complaints of sexual harassment: investigation by commanding officers,” which is cited (e.g., DoD 2014) as the foundation for DoD’s practices regarding discrimination and for the definition of sexual harassment used across the military workforce. 10 U.S.C. 1561 states that “‘sexual harassment’ means any of the following:”

1. Conduct that-
  - a. involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when-
    - 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;
    - 2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
    - 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and
  - b. is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

2. Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the Department of Defense.
3. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the armed forces or civilian employee of the Department of Defense.

The 2018 DoD Instruction (DoDI) 1020.03 (Office of Under Secretary of Defense for Personnel and Readiness 2018), “Harassment Prevention and Response in the Armed Forces,” augmented this definition, stipulating that the behavior can “occur through electronic communications, including social media, other forms of communication, and in person.” The guidance was further updated in 2020, to establish a military-wide prevention and response program and to provide greater reporting options, and other features (Office of Under Secretary of Defense for Personnel and Readiness 2020).

As noted in a Congressional Research Service report (Kamark and Toreron 2017, 4), the FY2017 National Defense Authorization Act noted that:

the existing definition of sexual harassment has caused the military services to consider sexual harassment as a violation of equal opportunity policy instead of an adverse behavior that data have demonstrated is on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault.

10 U.S.C. 1561(e), Section 548, included a modified definition of sexual harassment that specifically encompassed complaints of sexual harassment by commanding officers (Title 10, U.S. Code 1561(e), Section 548).

Outside the DoD, legal definitions of sexual harassment have been somewhat stagnant. U.S. labor laws, such as the Civil Rights Acts of 1964 and 1991, form the foundation for definitions of sexual harassment. The actual definition of sexual harassment can be found in the Code of Federal Regulations, Volume 29, Section 1604.11:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (Code of Federal Regulations, Volume 29, Section 1604.11).

Changes over time regarding the definitions, laws, and policies that surround unwanted sexual experiences map to evolutions in social norms, through mechanisms of

communication, diversity policies, and revisions of legal interpretations (Carson 2018, 181). Understanding how definitions for such experiences have changed over time is important because they influence how experiences are reported and tracked, how services are provided, and how actions are prosecuted (Ormerod and Steele 2018, 196).

#### **D. Terms Used in this Literature Review**

Between overlapping definitions, differences across stakeholder communities, and changes over time, deciding which term to use to describe an unwanted sexual experience presents important conceptual challenges. Umbrella terms that encompass a variety of behaviors may help reduce confusion, provide constructive conceptual parameters, and assist in determining meaningful ways ahead.

Previous research has employed umbrella terms such as “sexual violence” (Basile et al., 2014; Sadler et al. 2017; Armstrong, Gleckman-Krut, Johnson 2018; Gidycz et al. 2018; Stander et al. 2018; Powers et al. 2020), “sexual offending” (Lussier, McCuish, and Cale 2021), and “sexual misconduct” (Carson and Carson 2018; Lussier, McCuish, and Cale 2021). For purposes of this literature review, we have opted to use the term “sexual misconduct,” since it most closely denotes unwanted sexual behaviors that violate codes of conduct in professional settings. Standards of behavior are codified into policies and doctrine in professional settings. The term “sexual misconduct” more appropriately captures violations of these policies than broader terms like “sexual violence.”

On the surface, a term like “misconduct” may appear to trivialize the potentially life-altering experiences of sexual assault and sexual harassment. To counter that notion, we point out that the word “misconduct” may mean something deeper in the military setting than in many civilian workplaces. As noted in Army doctrine, for example, Soldiers are expected to hold themselves to a higher standard of behavior than their civilian counterparts:

Today’s Soldiers are the legacy of the millions of Soldiers who came before them. They each freely volunteer to serve a higher purpose—an ideal greater than themselves. Soldiers continually demonstrate their character, commitment, and competence to protect our Nation under demanding and complex conditions. The oath they freely take to the Constitution of the United States is our Soldiers’ sacred bond to maintain the confidence of the American people as trusted professionals in the world’s premier land force. (Department of the Army 2019, Foreword)

The higher standards described above permeate Army doctrine and publications, Army Values, the Warrior Ethos, branding documents, military service and Joint Staff issuances, and papers on military professionalism. In this regard, any notions of “misconduct” are more than policy missteps; they represent gross violations of core military values.

The decision to employ an umbrella term throughout the literature review should also not be interpreted as a move to place various forms of sexual misconduct on the same level or even necessarily in direct relationship with each other. The relationship between various types of unwanted sexual experiences—specifically, whether different types of experiences are dependently linked—has become an area of focus in academic literature. Some researchers (e.g., Armstrong, Gleckman-Krut, Johnson 2018; Powers et al. 2020) have asserted that sexual harassment and sexual assault exist on a spectrum, as distinct, yet overlapping experiences. Researchers (e.g., Gidycz et al. 2018; Sadler et al. 2017; Stander et al. 2018; Powers et al. 2020) have referred to this spectrum as a “continuum of harm.” Although it may be a compelling metaphor, placing various forms of misconduct (e.g., sexual harassment and sexual assault) onto a “continuum” implies that they are dependently linked to each other in a progressive manner. Viewing forms of deviance as part of a “continuum” is conceptually attractive, but it is empirically problematic because while sexual harassment may escalate to sexual assault, most does not. Moreover, it is clearly possible for sexual assault to happen without prior sexual harassment. That said, there is some evidence that a few types of unwanted sexual experiences may co-occur: (1) a sexist environment and sexual harassment (Harris, McDonald, and Sparks 2018); (2) incivility and sexual harassment in the workplace (Lim and Cortina 2005); and (3) hostile work environments and sexual assault (Sadler et al. 2003; Stander et al. 2018). Whether these co-occurrences represent aspects of a spectrum remains empirically unclear.

## **E. Broader Implications**

Lastly, we note some of the broader implications of how one chooses and uses terms. While choosing a term for purposes of clarity in a literature review is important, term selection may also have implications for policy effectiveness.

DoD entities, including the military services, typically provide definitions in policy documents. Each of these documents is informed by federal laws, DoD and military service initiatives, guidance from military leaders, and broader U.S. cultural norms. Over time, policy documents evolve in response to administrative changes, cultural shifts, internal audit findings, Congressional scrutiny, and so forth. Like any change in a bureaucratic environment, however, each revision requires extensive staffing and effort to implement. One of the ways policymakers attempt to maintain a certain measure of consistency is by cross-referencing other issuances, administrative messages, and pieces of doctrine as much as possible; anecdotally, this practice may result in local-level confusion regarding which policies, procedures, and definitions to use (Swecker et al. 2020).

Not surprisingly, policy confusion may trickle down to the people it serves. Research (e.g., Davis et al. 2020, Swecker et al. 2020) shows that military service members struggle to understand what does and does not count as sexual misconduct. Focus groups with service members across all Departments revealed significant confusion around the

definitions of both sexual assault and sexual harassment (Davis et al. 2020). Focus groups also revealed a perception that leadership set an “inconsistent tone” around how to interpret policies, with messages varying, “based on mood or assignment, especially as it relates to sexual assault and sexual harassment policy” (Barry et al. 2018, 75). The implications of this confusion were recently made clear. A large and in-depth case analysis of sexual misconduct at the Army’s Fort Hood base in Texas revealed that inconsistent definitions and interpretations, gaps in local policy implementation, understaffing, and undertraining all contributed to an environment that was more conducive to sexual misconduct (Swecker et al. 2020).



### 3. Individual Factors

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Most research on sexual misconduct in the military explores relationships between individual factors and incidents of either sexual harassment or sexual assault—in other words, the characteristics of individuals who are most at risk of either experiencing or perpetuating sexual misconduct. In this section, we review what researchers have found, to date, and identify opportunities for advancing this area of research.

#### A. Victimization

Considerable effort has been spent trying to identify what predicts incidents of sexual misconduct, both in and out of the military context. Most of these studies focus on understanding who is at risk of victimization. In the military, gender has been consistently identified as a risk factor, with female service members experiencing significantly higher levels of both sexual harassment (Firestone and Harris 1994; Harris, McDonald, and Sparks 2018; Hajizadeh 2019) and sexual assault (Breslin et al. 2019; Hajizadeh, Aiken, and Cox 2019; Morral, Gore, and Schell 2015) than their male peers. To give a sense of scale, the 2018 wave of the Workplace and Gender Relations Survey on Active Duty Members (WGRA) revealed that 0.7% of male and 6.2% of female service members experienced at least one incident of sexual assault during the previous year (Breslin et al. 2019).

To put these findings into context, it is worth noting that research on non-military populations reveals similar patterns. Nationally representative samples of college-aged people show that females are significantly more likely than males to be both sexually assaulted (Coulter et al. 2017; Mellins et al. 2017; Sinozich and Langton 2014) and sexually harassed (Elliot et al. 2004). Coulter et al. (2017), for example, used a stratified, random sample of undergraduates at 120 post-secondary institutions to identify individual risk factors among U.S.-based college students. They found that cisgender women were over twice as likely as cisgender men to have been sexually assaulted at least once during the past year (Coulter et al. 2017).<sup>2</sup>

Research on non-military populations has also explored victimization rates across gender identities. Studies of undergraduates show that transgender (Coulter et al. 2017) and gender nonconforming (Mellins et al. 2017) students experience higher levels of

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<sup>2</sup> Human Rights Campaign defines “cisgender” as follows: “A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.” Human Rights Campaign, “Glossary of Terms,” <https://www.hrc.org/resources/glossary-of-terms>, accessed September 22, 2020.

victimization than either cisgender males or cisgender females. Using a population-based sample of college undergraduates in New York City, Mellins et al. (2017) found that 38% of gender nonconforming students, 36.4% of female students, and 15.6% of male students had experienced at least one incident of sexual assault in post-secondary school. Another study (Coulter et al. 2017) found that being transgender significantly increased one's risk of sexual victimization. Specifically, the predicted probability of being sexually assaulted was over four times higher for transgender students than for cisgender males and twice as high as the predicted probability for cisgender females (Coulter et al. 2017).

Studies on undergraduates also show that one's sexual orientation may increase the risk of sexual victimization. Gay (Ford and Soto-Marquez 2016) and bisexual men (Coulter et al. 2017; Ford and Soto-Marquez 2016) are significantly more likely than their heterosexual peers to be sexually assaulted, with incidence rates similar to those of heterosexual women. While there do not appear to be any comparable studies on how sexual orientation affects the risk of sexual assault in the U.S. military, research on the Canadian Armed Forces (e.g., Hajizadeh, Aiken, and Cox 2019) has shown that lesbian, gay, bisexual, and transgender service members are significantly more likely than heterosexual service members to be sexually assaulted. Research on non-military populations has also demonstrated that people with acquired and developmental disabilities are at greater risk of experiencing sexual assault (Basile, Breiding, and Smith 2016; Stermac 1996; Powers et al. 2002). One notable study from Basile, Breiding, and Smith (2016) used a nationally representative sample of non-institutionalized, U.S.-based adults to show that over twice as many people with disabilities had been sexually assaulted in the previous year than people without disabilities.

When it comes to the impact of race or ethnicity on sexual victimization, research on both military and non-military populations is largely inconclusive. Small-scale studies on college samples (e.g., Gross et al. 2006; Testa and Dermen 1999) have shown that self-identified White students were less likely to experience sexual misconduct than students who self-identified as racial or ethnic minorities. In contrast, a panel study (1988–2004) on Minnesotan workers found no significant differences in the likelihood of experiencing sexual harassment depending upon one's race or ethnicity (McLaughlin, Uggen, and Blackstone 2012). Still different again, findings from a national sample of college students revealed that White students were more likely than Asian or Latino students, and less likely than African American students, to have been sexually assaulted in the past year (Coulter et al. 2017). Collectively, such mixed results suggest more work is needed to clarify whether and under what conditions people of certain races or ethnicities may experience different rates of sexual victimization (Khan et al. 2020).

Research on military populations is similarly inconclusive when it comes to the impact of one's race or ethnicity on the risk of sexual victimization. In part, this is because there are very few studies that test for potential differences in sexual victimization across

service members' races or ethnicities, making it difficult to discern patterns among findings. One of the more recent efforts used data from the 2016 WGRA to explore whether certain gender and racial or ethnic combinations were more prominent among survivors. The study (Davis et al. 2017) found no evidence that any particular combination was statistically significant. That said, these results should be interpreted with caution since the analysis did not account for potential first-order effects; for example, if there is an association between one's race and the likelihood of sexual assault, regardless of one's gender identity. The analysis also did not explore proportional differences across races and ethnicities, which would have shed light on whether a disproportionate number of people in certain racial or ethnic categories were experiencing victimization.

Researchers have not explored potential differences across races and ethnicities in adjacent waves of the WGRA, which makes it difficult to know whether the 2016 results were idiosyncratic or part of a broader pattern. However, findings from earlier waves suggest that race is significantly associated with sexual victimization. One notable pair of studies (Buchanan, Settles, and Woods 2008; Settles, Buchanan, and Colar 2012) used data from the 2002 WGRA to explore how experiences of sexual harassment varied across self-identified Black and White service members of different ranks. Settles, Buchanan, and Colar (2012) explored whether male service members experienced different rates of sexual harassment, depending upon their race or ethnicity. They found that Black male service members were significantly more likely to be sexually harassed compared to White male service members. Note, however, that Settles, Buchanan, and Colar (2012) argued that what appeared to be a relationship between race and sexual harassment could in fact be a byproduct of one's rank. In other words, perhaps being a Black male did not increase one's risk of being sexually harassed in the military; rather, Black males were more likely to be enlisted, and being enlisted was what may have increased one's risk (Settles, Buchanan, and Colar 2012).

In a parallel study, Buchanan, Settles, and Woods (2008) attempted to clarify the potential relationships between race, rank, and sexual harassment. Limiting their analysis to female service members, they tested whether Black and White service members experienced different rates of four kinds of sexual harassment: gender harassment, crude behavior, unwanted sexual attention, and sexual coercion. Like Settles, Buchanan, and Colar (2012), Buchanan, Settles, and Woods (2008) found that enlisted women of any race indicated significantly more sexual harassment of all types than female officers of any race. Buchanan, Settles, and Woods (2008) also found that the type of sexual harassment that one experienced varied across races. Specifically, White female service members indicated significantly more gender harassment and crude behavior than Black female service members (Buchanan, Settles, and Woods 2008). However, Black female service members indicated significantly more unwanted sexual attention and sexual coercion than White female service members (Buchanan, Settles, and Woods 2008). Buchanan, Settles, and

Woods (2008) also explored whether the combination of one's race and rank was associated with the likelihood of experiencing each type of sexual harassment. The only combination that was statistically significant revealed that Black women experienced significantly more sexual coercion than White women, but only if they were also enlisted (Buchanan, Settles, and Woods 2008). There were no significant differences between Black and White female officers when it came to the likelihood of experiencing sexual coercion (Buchanan, Settles, and Woods 2008).

Researchers have also explored the relationship between race or ethnicity and sexual victimization using data from the Defense Equal Opportunity Climate Survey (DEOCS), a climate survey administered to all services in the DoD. The 2011 DEOCS included a supplemental survey component with questions on sexual assault and sexual harassment in the military. An analysis of these data (Harris, McDonald, and Sparks 2018) revealed statistically significant differences across races and ethnicities with respect to sexual harassment. Across all military services, self-identified Hispanics were significantly more likely than self-identified Whites to indicate that they had been sexually harassed in the previous 12 months. There were no significant differences in the likelihood of being sexually harassed between self-identified White and self-identified Black service members between self-identified White and self-identified Black service members (Harris, McDonald, and Sparks 2018).

Most efforts to understand the risk of sexual victimization focus on ascribed characteristics (e.g., gender, race, sexual orientation). That said, there is some research on risk factors related to what one does. For example, research on military populations shows that people of different ranks experience varying rates of victimization. Specifically, multiple reports have found that victims are more often enlistees than commissioned officers (Breslin et al. 2019; Bashford et al. 2020; Swecker et al. 2020). Moreover, rates of victimization appear to be higher among certain enlisted grades (Bashford et al. 2020). A cross-service analysis of almost 2000 sexual assault case files between 2016 and 2017 showed that the number of sexual assault survivors sharply increases among E-1s to E-3s and then slowly declines with each higher rank until tapering out at E-8 (Bashford et al. 2020). To translate this into percentages, 5.1% of survivors were E-1s, 17.8% were E-2s, 38.1% were E-3s, 23.5% were E-4s, 10.4% were E-5s, 2.6% were E-6s, 1.2% were E-7s, 0.2% were E-8s, and none were E-9s (Bashford et al. 2020). Similarly, the Fort Hood investigative report found that 88% of victims were at grades E-1 through E-5, with the majority at E-4 (Swecker et al. 2020).

There is also research on the potential impacts of how one lives. An analysis of U.S. military bases and their surrounding communities found that economic disadvantage was significantly associated with *lower* rates of sexual assault (Powers et al. 2020). This finding stands in stark contrast to research on non-military populations (e.g., Bassuk, Melnick, and Browne 1998; Breiding, Chen, and Black 2014; Elliot et al. 2004; Greco and Dawgert

2007; Testa and Dermen 1999), which consistently shows that socioeconomic disadvantage significantly *increases* the likelihood of sexual victimization. Food and housing insecurities have been shown to increase the risk of sexual assault, even after controlling for demographic factors like age, family income, race/ethnicity, education, and marital status (Breiding et al. 2017). Research also shows that people who work in less secure jobs experience higher rates of sexual harassment than people in more permanent positions (Chamberlain et al. 2008). Analyses of the NCVS have repeatedly demonstrated that lower household incomes are associated with higher rates of sexual victimization. Between 1992 and 2000, approximately 55.5% of sexual assault survivors came from households earning less than \$25,000 per year (Weiss 2010). This pattern endured across subsequent survey years; between 1994 and 2010, twice as many sexual assault victims came from low-income households (earning less than \$25,000 per year) than any higher income bracket (Planty et al. 2013).

Overall, research on the risk of sexual victimization has focused on identifying what types of individuals are more likely to experience sexual misconduct. For the most part, this question has been addressed by testing whether there are statistically significant differences in the number of survivors from one subgroup (e.g., women) versus another (e.g., men). Notably absent from this area of research is an explicitly articulated set of theories regarding why certain characteristics, but not others, may increase one's risk. From a practical perspective, this type of theory would help researchers decide which subgroup characteristics they should be measuring during collection and testing during analysis. Faced with a theoretical vacuum, researchers are more likely to justify their selections based upon what previous researchers did, which sidesteps the question of whether appropriate characteristics were selected in the first place. Alternatively, and perhaps even worse, theoretical vacuums can lead researchers to test characteristics based on well-intended trial and error, rather than strategic planning.

To give an example, researchers studying non-military populations (e.g., Armstrong, Gleckman-Krut, and Johnson 2018; Khan et al. 2020) have posited that social disadvantage may increase one's risk of sexual victimization. This theory would be worth exploring further in the military context since many of the individual-level factors that have been identified as increasing the risk of victimization—being a gender minority, being a racial or ethnic minority, being a lower rank, and so forth—are also markers of social disadvantage. To test this theory in the military context, researchers would first expand the list of measured characteristics to include additional factors that may stigmatize someone in the eyes of their military peers. As discussed above, research on non-military populations has found that people who are gender or sexual minorities, have disabilities, or are economically vulnerable experience higher risks of sexual victimization. Since these factors are not unique to non-military populations, it would be worth investigating how, if at all, these factors may increase the risk of experiencing sexual misconduct in the military.

It would also be worth testing the salience of military-specific characteristics that incur social disadvantages. For example, research suggests that people who work in non-combat roles (Feinstein 2015; Pang 2018) and people who have never deployed (Bonnes 2019; Pang 2018) receive comparatively less respect in military communities. What impact do factors like these have on the risk of sexual victimization?

When it comes to predicting who is at risk of experiencing sexual misconduct, the emphasis is typically on identifying potential victims. That said, there is some research that documents patterns among perpetrators. In the following section, we discuss what researchers have found with respect to individual factors that may increase the risk of enacting sexual assault or sexual harassment.

## **B. Perpetration**

Research on military populations shows that most perpetrators of both sexual harassment (Firestone and Harris 1994) and sexual assault (Swecker et al. 2020; Sadler et al. 2003) are male. Firestone and Harris (1994) estimated that 40.3% of sexual harassment incidents against male service members and 98.4% of sexual harassment incidents against female service members involved at least one male perpetrator. Similarly, using a random probability sample of women who served in any branch of the military between 1961 and 2003, Sadler et al. (2003) showed that 98.3% of reported sexual assaults involved at least one male offender.

Research on military populations (e.g., Swecker et al. 2020) also shows that perpetrators are more likely to be peers than supervisors. Bearing in mind that incidents can involve more than one offender, Sadler et al. (2003, 267) estimated that 40.7% of sexual assaults against women involved at least one offender who was a “superior in the chain of command,” while 53.3% involved at least one offender that was a “peer of same/similar rank.” Research on sexual harassment in the military likewise suggests that most harassers are peers, rather than supervisors. Firestone and Harris (1994, 35) found that 21.9% of sexual harassment incidents against women involved at least one “immediate military supervisor,” while 43.2% involved at least one “military coworker.” When it came to male service members, approximately 11.8% of the survivors were harassed by an “immediate military supervisor,” while 47.7% were harassed by “military coworkers” (Firestone and Harris, 1994, 35).

Like research on military populations, studies on the U.S. population show that perpetrators are more likely to be male than female. For example, a longitudinal analysis of victimization rates from 1992 to 2000 found that males perpetrated 99% of the sexual assaults against females and 54% of the sexual assaults against other men (Weiss 2010). During this time, there were very few accounts of females attacking other females, though approximately 46% of male survivors indicated female perpetrators (Weiss 2010).

Research on non-military populations offers a few additional details about patterns among perpetrators. Nationally representative victimization data from 1992 to 2000 revealed that both men and women are more likely to be sexually assaulted by someone of the same racial or ethnic background than by someone of a different race or ethnicity (Weiss 2010). The study also showed that most sexual assaults (82.5%) were perpetrated by someone that the survivor knew before the incident (Weiss 2010). More recent findings from the National Intimate Partner and Sexual Violence Survey (NISVS), an ongoing study on sexual violence that uses a random probability sample of adults in the United States, similarly show that most sexual assaults (81%) are perpetrated by non-strangers.

Researchers have also explored the potential motivations behind sexual assault. For example, Felson and Krohn (1990) examined attacks by male perpetrators against female victims from 1973 to 1982, using data from the National Crime Survey to understand targeting behaviors. They found that sexual assaults involving younger offenders and victims appeared to be sexually motivated (Felson and Krohn 1990). Differently, sexual assaults involving either older parties or estranged couples were more likely to be motivated by power struggles and an interest in punishing the victim (Felson and Krohn 1990). The importance of power struggles was also demonstrated by a study on male perpetrators in the United Kingdom. Almond, McManus, and Ward (2014) analyzed 305 case records from a national crime database to understand motivations among sex offenders. Involvement, hostility, and control were identified as perpetrator motivations in approximately 74% of the cases (Almond, McManus, and Ward 2014). In other words, there are perpetrators who gain intimacy and closeness from the offense, others who use the offense to vent misplaced anger and frustration, and those that use the offense as an expression of social dominance (Almond, McManus, and Ward 2014).

One of the methodological challenges of studying perpetrators is the elusiveness of a representative sample. Since most research on perpetrators relies on information collected from known sex offenders, it is difficult to disentangle which risk factors pertain to the *propensity to enact* sexual misconduct from those associated with the *likelihood of being caught*. Studies on incarcerated sex offenders offer useful perspectives from probable perpetrators, but the narrower samples limit inferences to perpetrators who were caught. Broader, volunteer samples offer a wider range of perspectives, with the drawback that people may either over or understate their actions for legal and moral reasons. In some cases, it is reasonable to include both actual and potential sex offenders in a study sample; for instance, if one is examining the broader cultural dynamics surrounding perpetration. Hipp et al. (2017), for example, explored how both male and female sex offenders anonymously communicated with each other and their sympathizers via the online community Reddit.com. When it came to justifying sexual assault, both male and female perpetrators—whether actual or aspiring—gravitated toward either sexual scripts about gender expectations (37%) or blaming the victim for withholding sex (29%) (Hipp et al.

2017). The authors also analyzed male perpetrators' accounts to understand the range of potential motivations behind sexual assaults against women. They found that self-described male perpetrators were motivated by hostile views towards women (24%), biological essentialism (18%), objectification (18%), and an unregulated desire for casual sex (18%) (Hipp et al. 2017).

While research on perpetration is comparatively less developed than research on victimization, a few patterns have been established, albeit primarily among those who have been convicted. It would be worth devoting greater attention to understanding current or aspiring perpetrators and their motives. In the absence of actionable information about perpetrators, one risks focusing undue attention on potential victims and their actions. Preventing sexual misconduct requires a clear understanding of how both potential victims and perpetrators can be identified for potential interventions.

## 4. Contextual Factors

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While most research on sexual misconduct focuses on individual factors, there has been some work on the potential role of context. Researchers tend to treat contextual factors as either potential enablers (e.g., being at a party) or potential constraints (e.g., disciplinary deterrence). In this section, we provide an overview of what each approach has yielded and offer ideas for future research.

### A. Potential Enablers

Research on potential enablers aims to understand how certain circumstances may make it easier or more likely for an incident of sexual misconduct to occur. Researchers studying military populations have examined three potential enablers: group composition, culture, and situations.

#### 1. Group Composition

Some researchers have explored whether certain combinations of individuals (i.e., group composition) may influence the prevalence of sexual misconduct. Of particular interest has been the potential role of gender composition. A number of researchers (e.g., Bonnes 2017, 2019; Buchanan et al 2014; Firestone and Harris 1994; Pershing 2003; Warner 2019) have suggested that the military's highly-skewed gender ratio creates an environment in which sexual misconduct is more likely to occur. Unfortunately, most of these assertions are supported by partial evidence, so they should be interpreted cautiously. For example, one study (Sadler et al. 2001) found that 71.1% of women who served between the Vietnam and Persian Gulf eras and who experienced non-fatal physical assaults (i.e., including but not limited to sexual assault) had worked in groups where men significantly outnumbered women. More recently, interviews (Burns et al. 2014) and focus groups (Breslin et al. 2020) with survivors have revealed a perception that the low ratio of women to men in the military is a significant contributor to sexual misconduct. On the surface, such findings appear to support the idea that gender composition affects the rates of sexual misconduct. However, their evidence is partial because there is no comparative evidence to demonstrate the observational counterfactual. For example, if one wanted to know whether work groups with more men than women are more likely to experience sexual misconduct, one would also need evidence that work groups with fewer men than women experience significantly different rates of sexual misconduct. In other words, if the hypothesis is that groups with more men than women experience higher rates of sexual misconduct, then groups with fewer or no men should experience less.

Thus far, research on non-military populations suggests otherwise. With respect to sexual harassment, Chamberlain et al. (2008) used a meta-analysis of 110 book-length, workplace ethnographies to identify workplace characteristics that may increase risk. They found that, in mixed-gender work groups, the prevalence of sexual harassment increased as the percentage of females increased. They also found that once the percentage of females reached a certain threshold, the prevalence of more severe forms of sexual harassment (e.g., taunting and predatory behaviors) appeared to decrease (Chamberlain et al. 2008). In other words, contrary to findings from the military context, higher number of females—to a certain point—was associated with higher rates of sexual harassment.

Research on incarcerated populations offers insight into rates of sexual assault in groups where the group composition is comprised entirely of one gender, since inmates are segregated by gender. For example, Beck et al. (2013) found that 1.7% of all imprisoned males and 6.9% of all imprisoned females had been victimized by fellow inmates. Put simply, there were higher rates of peer-to-peer sexual assault in all-female groups than in all-male groups. This pattern also extended to jails, with 1.4% of males and 3.6% of females reporting sexual victimization by another inmate (Beck et al. 2013). To date, it is unclear whether such patterns would manifest among single-gender groups in the military context.

## **2. Culture**

Researchers interested in how context may facilitate sexual misconduct have also explored the role of culture. Culture may be understood as an expected set of norms and values that help structure social interaction in a given context (Swidler 1986). Since people adapt their actions toward whomever they are interacting with in a given moment (Schutz 1944), culture should not be thought of as an enduring thing that one “has,” but rather as a default set of dispositions that one tailors to each encounter (Eliasoph and Lichterman 2003; Patterson 2014). Several researchers (e.g., Turchik and Wilson 2010; Rosenstein et al. 2018) have asserted that military culture creates an environment in which sexual misconduct is more likely to occur. For example, Turchik and Wilson (2010) argued that service members value hypermasculinity and the use of violence as a means to an end. In theory, they argue, the intersection of these two cultural values make it easier for people to view violence against women as a legitimate means of expressing masculinity (Turchik and Wilson 2010). Concerns about cultures that value hypermasculinity have also emerged from in-depth interviews with survivors. Burns et al. (2014) found that survivors believed that the military’s cultural environment prioritizes men over women in a way that enables sexual assault (Burns et al. 2014). Specifically, survivors linked the following to the likelihood of sexual assault in a given unit: widespread sexism, low ratios of women to men, and the tendency for men to outrank women (Burns et al. 2014).

Interviews with survivors have also revealed a perception that lax enforcement cultures may contribute to sexual misconduct in the military (Burns et al. 2014). Survivors recounted how military leaders in their units did not adequately address reported incidents of sexual assault, leading too few perpetrators to face consequences for their actions (Burns et al. 2014). Survivors believed that this sequence of events communicated an unspoken message that, in their units, sexual assault was not something that incurred negative consequences (Burns et al. 2014). While survivors' accounts do not constitute a formal test of how enforcement cultures may causally affect the likelihood of sexual misconduct, findings from other studies preclude an outright dismissal of the possibility. Butler and Schmidtke (2010) found evidence of a relationship between leaders' efforts to enforce prevention measures and rates of sexual harassment. Specifically, the presence of leaders who made "honest and reasonable efforts to stop sexual harassment, regardless of what is said officially," was significantly associated with lower rates of sexual harassment (Butler and Schmidtke 2010, p. 207). Similarly, Sadler et al. (2003) found that the presence of officers who either initiated or allowed sexually demeaning comments or gestures toward female Soldiers was associated with a threefold to fourfold increase in the likelihood of sexual assault (Sadler et al. 2003).

Researchers interested in reducing sexual misconduct have long intuited that military culture may somehow contribute to prevalence. Most of their assertions, however, have been based on literature reviews or on peripheral findings from studies on other topics. To develop a better understanding of whether and how culture impacts sexual misconduct in the military, more direct and systematic examination is needed. Research on non-military populations offers examples of how one might approach this.

Many people believe that military leaders are primarily, if not solely, responsible for the culture in their units. For example, Army doctrine states, "Within the Army, leaders set the example, reinforce the culture of trust, establish professional organizational climates, and inspire their identity as trusted Army professionals" (ADP 6-22, 2019, 26). Research on non-military populations has placed the mantle of responsibility on a wider range of actors. Instead, building upon the idea that culture is both created and expressed through everyday interaction (Swidler 1986), researchers studying a wide variety of non-military populations (e.g., Desmond 2007; Dick 2005; Fine 1979; Jerolmack 2007; Waddington 1999; Willis 1977) have learned about cultural dynamics by studying a broader range of group representatives; in many cases, by focusing on interactions among peers. The few researchers that have directly examined the influence of culture on sexual misconduct have also demonstrated the importance of analytical comparativeness; for example, by showing how different aspects of culture contribute to sexual misconduct in varied ways. This type of approach has enabled researchers studying non-military populations to progress further in identifying which aspects of culture matter when it comes to enabling or constraining sexual misconduct.

One of the ways to explore patterns between culture and sexual misconduct is to identify cultural beliefs or practices in a given population and then test whether any of these elements help explain variation in sexual misconduct rates. Palmer, McMahon, and Fissel (2020) offers an example of how this strategy has been applied using quantitative methods. Palmer, McMahon, and Fissel (2020) developed a survey for incoming male freshmen at a public university to explore who may be at risk for perpetuating sexual assault in college. The study captured a variety of information about respondents including their: proclivity to perpetuate sexual assault; acceptance of five rape myths; perceptions of when and how peers would intervene as bystanders to prevent sexual assault; intent to join a fraternity; intent to join athletics; and demographic characteristics. The study's setup allowed Palmer, McMahon, and Fissel (2020) to explore relationships between different cultural perspectives (i.e., variation in the acceptance of common rape myths) and the likelihood of perpetrating sexual misconduct in the future (i.e., variation in the proclivity measures). They observed statistically significant relationships between a handful of cultural beliefs and two types of proclivities: using force to get sex and having sex with someone who was incapacitated. Specifically, males who more strongly believed in one of two "rape myths"—"it was not really rape" or "he did not mean it due to intoxication"—score significantly higher on both proclivity scales (Palmer, McMahon, and Fissel 2020).

Researchers can also employ qualitative methods to identify which aspects of culture may impact sexual misconduct. For example, Quinn (2002) interviewed and observed workers at Acme Electronics,<sup>3</sup> a California electronic design and manufacturing company, to understand workplace norms and sexual harassment. When Quinn asked respondents to imagine what it would be like to work at Acme if one were the opposite gender, several male interviewees brought up "girl watching" practices among male coworkers. Consistent with a "grounded theory" approach, in which one pursues any leads that respondents share and are within the scope of research (Strauss and Corbin 1990), Quinn added questions about "girl watching" to subsequent interviews in order to learn more. Quinn's (2002) approach facilitated evidence that helped explain why so many sexual harassment cases at Acme were disputed: what female workers were characterizing as sexual harassment was seen as a normal and innocent part of "girl watching" by male colleagues. Quinn (2002) also observed that, since "girl watching" was one of the primary ways in which male coworkers competed for status among each other, the frequency and severity of harassing behaviors tended to escalate over time. By collecting both interviews and ethnographic observations, Quinn (2002) was able to understand how cultural beliefs about the role of females in the workplace translated into everyday practices that created an environment facilitating sexual harassment.

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<sup>3</sup> Pseudonym.

The above examples offer ideas on how different methodological approaches can be leveraged to explore the relationship between culture and sexual misconduct in military contexts. Research on sexual misconduct, both in and out of the military, has long suffered from a “siloing” problem, in the sense that sexual misconduct is examined in one population at a time; for example, children or adolescents, university students, fraternity members, sports teams, university bands, prisoners, veterans, military service members, medical professionals, restaurant servers, members of a police force, refugees, and so forth. While single-population studies have generated important hypotheses about the types of contextual factors that might increase risk, cross-context comparisons are necessary to test the extent to which different contexts actually matter (Khan et al. 2020).

To give an example, if one wanted to test the hypothesis that work groups with high levels of cohesion are less conducive to sexual misconduct, researchers would first measure levels of cohesion and sexual misconduct in a range of work groups within one profession. To extend inferences beyond that particular profession (i.e., to the idea of cohesive workgroups as a whole), researchers would need to conduct a parallel analysis on an analytically comparable profession. For example, to develop a better understanding of whether and how work-group cohesion may impact sexual misconduct in Army units, researchers should consider comparative analyses in other unit-based work groups that emphasize cohesion, such as police, firefighters, or humanitarian workers. Researchers could also consider a comparative analysis with one or more units in the Air Force, since the Air Force has experienced lower rates of sexual misconduct than the Army (Morrall, Gore, and Schell 2015). Cross-context comparisons generate systematic evidence on both the presence and absence of the relationship of interest, which provides greater analytic clarity into the underlying mechanisms that drive incidence rates.

### **3. Situations**

Researchers studying military populations have also explored whether certain types of situations enable sexual misconduct more than others. A “situation” may be understood as the confluence of actors, actions, and meanings in a particular place, time, and history (Tavory 2018). As an analytical concept, “situations” provide a naturalistic perspective on how specific types of interactions (e.g., incidents of sexual harassment among coworkers) unfold because they anchor incidents to specific times (e.g., during lunch), places (e.g., in the cafeteria), and historical trajectories (e.g., after a reported incident went unpunished). With their temporal dimensions, situations provide a way of tracing why the same group of people may historically act one way and then suddenly change course.

Researchers studying military populations have circled around the idea of situations for a number of years. For example, several studies have examined whether sexual misconduct occurs in some locations more than others. This line of inquiry reveals that most sexual assaults against service members occur in military-controlled locations, which

is not surprising given the nature of the work they do and the likelihood of residing in military facilities (e.g. in barracks, on a ship, etc.) Analyses of the WGRA (e.g., Davis et al. 2017; Morral, Gore, and Schell 2015) have found that approximately 65% of sexual assault survivors indicated that at least one of the incidents they experienced in the past year occurred on a military installation or ship. Similar insights emerge from research on service members in earlier eras (e.g., Sadler et al. 2003), which shows that, among female survivors, approximately 71% had experienced at least one incident while on base. Sadler et al. (2003) also explored whether certain locations within military bases were more risky than others. They found that 51.7% of female survivors had been sexually assaulted at least once while in the barracks or sleeping quarters.

Another type of situation that has received some attention is overseas deployments. For example, an analysis of the 2014 WGRA revealed that, over the course of one year, approximately 9% of female survivors and 20% of male survivors had been sexually assaulted at least once while deployed to a combat zone (Morral, Gore, and Schell 2015). A more recent study on female service members in the Army and Air Force (Sadler et al. 2017) went one step further to investigate whether the number of sexual assaults on deployments was either (1) a byproduct of the fact that people had spent more time deployed or (2) an indication that something about the deployment experience increased risk. They found that the *total number* of sexual assaults against females was higher in garrison, since that was where people spent most of their time (Sadler et al. 2017). However, the *risk* of experiencing sexual assault was significantly higher while deployed (Sadler et al. 2017). Qualitative research offers insight into why deployments may increase the risk of sexual assault (Burns et al. 2014). According to survivors, the deployment environment is conducive to sexual assault because it involves long periods of time in which sexual activity is restricted, high levels of stress, high levels of risky behavior, and shifts in what constitutes “normal” behavior (Burns et al. 2014).

Researchers have also explored situational variation by examining what time of day sexual misconduct occurs. For example, in their analysis of female sexual assault survivors from the Vietnam to Persian Gulf Eras, Sadler et al. (2003) found that the majority of survivors (60.2%) had experienced at least one sexual assault between 6 p.m. and midnight. Sexual assaults were also more common (24.2%) between midnight and 7 a.m. (Sadler et al. 2003). On the surface, these results suggest that something about the night may be more conducive to sexual assault. However, more work is needed to disentangle the potential effects of time versus activity. In other words, researchers would have to establish whether the enabling effect stems from an intrinsic property of nighttime (e.g., darkness obscuring visibility) or from what people are usually doing at this time of day (e.g., leisure activities).

Some researchers have explored whether certain activities are more conducive to sexual assault, albeit without independently also measuring the impact of time. Sadler et al. (2003) found that 36.6% of female sexual assault survivors had experienced at least one

incident while on duty (i.e., at a military location and while working). Looking at both male and female service members, Morral, Gore, and Shell (2015, 22) found that approximately 49% of survivors indicated that one of the sexual assaults they experienced in the past year occurred “during the work day / duty hours.” Morral, Gore, and Shell (2015) also explored whether certain types of individuals were more likely to be sexually assaulted while working. They found that, across all military services, significantly more men (57%) than women (30%) had been sexually assaulted at least once while working (Morral, Gore, and Schell 2015). Morral, Gore, and Shell (2015) also found that enlisted service members were significantly more likely than junior officers to indicate that they were sexually assaulted while working. Lastly, they found that people in the Air Force were significantly less likely to be sexually assaulted during work hours, compared with people in the Army or Navy (Morral, Gore, and Schell 2015).

Researchers studying military populations have also explored whether drinking activities may facilitate sexual misconduct. To date, researchers have shown that alcohol consumption often co-occurs on the same day (e.g., Barry et al. 2020; Sadler et al. 2003; Umbrasas 2020) or two-week period (Stander et al. 2018) as sexual misconduct, but they have not yet established whether drinking directly causes sexual misconduct. For example, Sadler et al. (2003) interviewed female veterans who served between 1961 and 2003 to identify factors associated with sexual assault in the military environment. Accounts from 151 survivors revealed that approximately 27% of female victims and 53% of male perpetrators were under the influence of drugs or alcohol around the same time as the sexual assault (Sadler et al. 2003). What was unclear was the extent to which either party was inebriated to the point where it may have affected how the situation unfolded. Umbrasas (2020) similarly considered the role of alcohol by documenting reports of alcohol consumption in sexual assault case files. Among the 58 cases that were examined, alcohol was present at approximately 44.8% of the sexual assaults (Umbrasas 2020). While compelling, Umbrasas (2020) himself points out that it was not always clear how heavily either party was drinking. That said, the case files did reveal that approximately 17% of the incidents involved a blacked-out victim and 5% involved victims who were drunk (Umbrasas 2020).

To develop a better understanding of how drinking may impact sexual misconduct, it is important to understand when, how much, and to what effect alcohol was consumed in relation to the incident. Otherwise, researchers are left trying to connect the dots with little or no evidence in between. For example, Stander et al. (2018) explored the relationship between alcohol consumption and sexual misconduct by conducting a longitudinal survey among newly enlisted, male Navy personnel. They found that a change in heavy drinking behaviors during the prior two weeks was correlated with perpetrating sexual harassment, but not sexual assault. There was no evidence of a significant correlation between baseline drinking behaviors and either sexual assault or sexual harassment (Stander et al. 2018).

While these findings again point to the possibility of a relationship between alcohol consumption and sexual misconduct, the lack of information—about whether the heavy drinking occurred at the time of the incident, whether such drinking led to intoxication, and whether such intoxication may have somehow enabled sexual misconduct—raises more questions than it necessarily answers.

Researchers studying non-military populations have likewise cautioned against over-determining the relationship between alcohol consumption and sexual misconduct. That drinking and sexual assault sometimes co-occur does not demonstrate a causal relationship (Abbey 2002). Should researchers wish to come closer to understanding whether alcohol directly contributes to sexual misconduct, they will have to contend with a number of measurement challenges. Among others, it is possible for individuals to consume alcohol before engaging in behavior that is associated with or leads to sexual misconduct in order to have an excuse for their anticipated actions (Abbey 2002).

Researchers will also have to contend with the challenge of parsing the effects of other relevant variables that may have facilitated circumstances where sexual misconduct and alcohol consumption co-occurred (Abbey 2002). Specifically, the difficulties of controlling for personality traits, peer group norms, and expected behaviors while drinking (Zawacki et al. 2003) may complicate efforts to elucidate the relationship between alcohol consumption and sexual misconduct. Fortunately, researchers have established some common ground with respect to the types of conditions that may moderate the potential relationship between alcohol consumption and sexual misconduct. Studies on both military and non-military populations have found that the co-occurrence of alcohol consumption and sexual misconduct varies depending on the relationship between the victim and perpetrator, with acquaintance sexual misconduct involving alcohol more often than incidents between strangers or intimate partners (Koss et al. 1988; Logan, Cole, and Capillo 2007; Eliezer et al. 2019). Researchers (e.g., Abbey et al. 2001) studying college populations have also called attention to the importance of measuring the relationship between alcohol consumption and sexual misconduct while controlling for the racial composition of the sample. Since different racial groups exhibit significantly different patterns of alcohol consumption, not controlling for the racial composition of the sample can lead to incorrect estimates of the co-occurrence of alcohol and sexual misconduct (Abbey et al. 2001).

The military is a “total institution” in the sense that people work, play, and sleep in a shared organizational environment (Goffman 1961). As such, researchers have explored situational variation by examining the risk of sexual assault during leisure activities. Morral, Gore, and Shell (2015, p. 23) found that 35% of female survivors and 24% of male survivors experienced at least one sexual assault in the past year while “out with friends or at a party.” While female service members may face increased risk in social environments, male service members are more likely to be attacked at military functions (Davis et al.

2017; Morral, Gore, and Schell 2015). Using data from the 2016 WGRA, Davis et al. (2017) found that more men (18%) than women (12%) experienced their most significant sexual assault in the past year while at a military function. This finding is consistent with analyses of the 2014 WGRA wave, which showed that 24% of men and 10% of women experienced sexual assault at a military function (Morral, Gore, and Schell 2015).

While there are very few studies on military populations that explore situational variation, the ones that exist suggest that additional inquiry is warranted. That researchers have already uncovered significant differences in when and where incidents happen suggests not all situations are equally conducive to sexual misconduct. To develop more actionable insights, however, a more direct and systematic examination of situations is needed. As part of this effort, researchers would do well to increase the precision of how they operationalize and measure situations. For example, rather than exploring proportional differences in sexual misconduct across a preselected set of situations, researchers could devote more attention to understanding what makes certain types of situations more practically meaningful than others. This would involve studying situations both in aggregate and through its subparts (i.e., place, time, actors, type of interaction, history) in order to develop a clearer understanding of why certain situations may either enable or constrain sexual misconduct.

## **B. Potential Constraints**

Research on potential constraints seeks to understand the factors that limit or prevent incidents of sexual misconduct. Unlike research on potential enablers, most work on constraints revolves around only one type of factor: the local accountability regime.

### **1. The Importance of Accountability Regimes**

We define an “accountability regime” as a system of processes designed to hold people responsible for actions that violate local policies, rules, or laws. Part of the accountability regime is formalized into the investigative, judicial, and punishment processes that comprise the local justice system. The other part is informal, manifesting as the local norms around how disciplinary systems are implemented in practice. In the case of the military, the accountability regime includes the laws, regulations, and procedures articulated in the UCMJ, as well as service- and unit-specific norms around implementation. As a whole, the military’s accountability regime provides both a means of seeking redress as well as a deterrence mechanism to prevent future incidents.

How service members perceive and experience the accountability regime has several notable effects. Firstly, they are less likely to seek help through their local accountability regimes when they either do not trust the initial screening process (Bonnes 2017, 2019; Breslin et al. 2019; Turchik and Wilson 2010) or the investigative process that ensues (DoD 2004; Rosenbaum 2018; Turchik and Wilson 2010). These findings are consistent with

research on non-military populations, which shows that people are more willing to engage criminal justice systems when they believe that police officers, judges, and other key figures fairly execute their legal authorities (Tyler 2003).

Secondly, perceptions of the accountability regime can influence the likelihood of compliance. Research on non-military populations (e.g., Tyler 2003) shows that people are less likely to obey laws and aid investigations when they do not perceive the legal system as fair and just. People are also less likely to accept a police officer's authority when they think police institutions lack a shared moral purpose with the citizens that they serve (Jackson et al. 2012).

Finally, perceptions of the accountability regime can shape satisfaction with legal outcomes. Research shows that service members are more likely to be satisfied with the outcome of a sexual harassment complaint when they feel their privacy was respected and when they feel the report was handled in a timely manner (Buchanan et al. 2014). Conversely, service members who felt their report led to unfair and tangential investigations regretted reporting sexual assault (DoD 2004). When an organization's legal process is perceived as unjust, survivors both in (Bonnes 2017, 2019) and out of (McLaughlin, Uggin, and Blackstone 2017) the military are at greater risk of quitting, whether to avoid the offender or out of contempt for how leadership responded.

In the sections that follow, we discuss research on the military's accountability regime and, when possible, situate findings within the broader scope of knowledge about accountability regimes in civilian populations.

## **2. Reporting**

After an incident of sexual misconduct occurs, survivors have to choose whether to engage the local accountability regime or handle the situation in another way. For most accountability regimes, the point of entry is a person of authority who receives notification that an incident has occurred. In the Army, a service member who has been sexually assaulted and wants to initiate a formal investigation has the option of notifying their chain of command or someone in law enforcement (military or civilian).<sup>4</sup> If the service member wants to remain anonymous, does not wish to trigger an investigation, or simply does not feel comfortable notifying either chain of command or law enforcement, he or she may also notify a Sexual Assault Response Coordinator (SARC), a Victim Advocate (VA), or a health-care provider. Service members that have been sexually harassed can engage the

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<sup>4</sup> U.S. Army SHARP, "What Should I Do?" 2020, [https://www.sexualassault.army.mil/what\\_to\\_do.aspx](https://www.sexualassault.army.mil/what_to_do.aspx), retrieved August 18, 2020; US Army SHARP, "Unrestricted Reporting," 2020, [https://www.sexualassault.army.mil/unrestricted\\_reporting.aspx](https://www.sexualassault.army.mil/unrestricted_reporting.aspx), retrieved August 5, 2020.

military's accountability regime by filing a complaint with a SARC or their chain of command.

Despite these options, research suggests that most incidents of sexual misconduct in the military are not reported. Findings from the 2018 WGRA (Breslin et al. 2019) show that only 30% of the female sexual assault survivors and 17% of male sexual assault survivors filed reports (Breslin et al. 2019). The prevalence of sexual harassment was higher than that of sexual assault, yet reporting rates were even lower, with only 25% of female and 15% of male survivors filing formal complaints (Breslin et al. 2019). The low reporting rates observed in the 2018 findings are consistent with data from previous waves (e.g., Davis et al. 2017) and scholarly research on reporting rates in different eras (e.g., Pershing 2003; Wolff and Mills 2016).

To put this information into context, note that reporting rates in the national population are also low when it comes to sexual assault. Moreover, reporting rates may be trending downward. The most recent analysis of the NCVS showed that incidence rates of sexual assault had increased from 0.06% of persons in 2014 to 0.13% of persons in 2018 (Morgan and Oudekerk 2019). As of 2017, only about 40% of these survivors reported the incident to police (Morgan and Oudekerk 2019). Reporting rates were even lower in 2018, with only 25% of sexual assault victims reporting the incident to authorities (Morgan and Oudekerk 2019).

Very little research seeks to predict who reports, most likely because understanding non-reporters is of greater practical importance. That said, a few findings are worth noting. Female service members who are married or separated have been shown to be more likely to file reports than those who are single, divorced, or widowed (Vijayasiri 2008). Women who completed sexual harassment training during the previous 12 months are also more likely to file reports than those who did not (Vijayasiri 2008). The likelihood of reporting also varies across people with different military experiences and backgrounds. Women who have been in the military more than six years have been shown to be more inclined to file reports than their junior counterparts (Vijayasiri 2008). Research also demonstrates that women with combat experience are more likely to report sexual misconduct, since the social status garnered from deployments bolsters the credibility of their claims in the eyes of others (Bonnes 2019).

Reporting behaviors are also tied to the severity of the incident and the likelihood of future incidents. Female service members who experienced sexual harassment that was particularly threatening or severe are more likely to file reports than women who characterized their experience as mild (Vijayasiri 2008). Similarly, women who have been sexually assaulted are more likely to report sexual harassment than women who have not, perhaps because the inherent severity of sexual assault underscores the potential dangers of sexual harassment (Bonnes 2019). The little that is known about the likelihood of reporting focuses on female service members, which raises questions about subgroup

variation among people of different genders. For example, research on non-military populations shows that male survivors are more likely to seek help if the sexual assault was penetrative and involved physical injuries (Light 2009). Future research should consider whether and to what extent these types of factors may influence male, transgender, and other service members' decisions to report.

Research consistently shows that most people who experience sexual misconduct—whether in or out of the military—do not seek help from their local accountability regimes by notifying authorities (Davis et al. 2017; Pershing 2003; Breslin et al, 2019; Wolff and Mills 2016). Previous work identifies several potential reasons as to why. Firstly, survivors may not feel that what they experienced qualifies as a reportable incident. For example, analyses of the 2014 WGRA revealed that 18% of victims did not report an incident of sexual misconduct because they “thought it was not serious enough to report” (Morrall, Gore, and Schell 2015, 28). The authors also found that 34% of men and 6% of women who had been sexually assaulted reframed the incident as “hazing” (Morrall, Gore, and Schell 2015, 122). Qualitative research has similarly documented female service members reframing reportable incidents of sexual harassment as nothing more than a normal part of being in the “boys’ club” (Bonnes 2019, 12).

Research on non-military populations also documents examples of survivors portraying an incident of sexual misconduct as a non-issue. Sexual harassment has been reframed as “girl watching” and then cast as a normal expression of masculinity (Quinn 2002). Or it may also be reframed as a normal part of certain workplaces (e.g., restaurants, operating rooms), to the point where survivors fear losing their jobs or coworkers’ respect if they characterize the behavior as harassment (Williams et al. 1999). Perceptions of what counts as workplace sexual harassment has also been shown to vary depending upon the assailant’s race and sexual orientation; namely, survivors are more likely to interpret an incident as harassment when the assailant’s race and sexual orientation differ from those of the survivor (Giuffre and Williams 1994).

People are less likely to interpret acts of sexual misconduct as reportable offenses when sexual misconduct becomes normalized in a given context (Khan et al. 2020). In organizational settings, additional indicators include lackadaisical attitudes towards sexual harassment policies, complaints not being taken seriously, and retaliation for reporting (Armstrong, Gleckman-Krut, and Johnson 2018; Buchanan et al. 2014; Hulin, Fitzgerald, and Drasgow 1996; Fitzgerald et al. 1999). One of the byproducts of this shift is that reporting sexual misconduct is then reframed as abnormal or deviant. To give an example of how this may manifest, both male (Bell et al. 2018) and female (Bonnes 2019; Dichter, Wagner, and True 2018) service members have been shown to not report sexual misconduct out of concern that it would make them look weak or less like a warrior to their peers. Similarly, non-military males have been found to not report sexual assault when surrounded by people who wrongly believe that men cannot be sexually assaulted by

women (Davies 2002). From the male victims' perspective, reporting sexual misconduct risked their either not being believed or being seen as less manly (Davies 2002).

As with any other form of deviance, going against group norms can also trigger social policing. When it comes to sexual misconduct, this may manifest as professional and social retaliation. In civilian workplaces, professional retaliation can include being passed over for a promotion, not receiving raises (Hart 2019), or losing one's job (Williams et al. 1999). Professional retaliation in the military may manifest as undesirable and potentially career-ending assignments (e.g., moving a pilot to a desk job), manipulating performance reports, or canceling someone's leave (Bonnes 2017). Findings from the 2018 WGRA suggest that both forms of social policing occur among Army Soldiers. Approximately 42% of the female Soldiers that were sexually assaulted reported being retaliated against by someone in a leadership role (Breslin et al. 2019). Female Soldiers who reported sexual assault also experienced social retaliation from their coworkers, with 54% experiencing ostracization and 31% experiencing some type of maltreatment (physical or psychological force, threats, or abuse) (Breslin et al. 2019).

Professional and social retaliation can deter survivors from reporting sexual misconduct to institutional authorities. For example, data from the 2002 WGRA (Vijayasiri 2008) showed that even when sexual harassment survivors believed that the military would take their complaint seriously, they hesitated to report because of anticipated retaliation from coworkers. Though there is limited information on how social retaliation unfolds in the military (e.g., Bonnes 2017, 2019), a number of studies document the fear of retaliation as a significant barrier to reporting sexual misconduct (Burns et al. 2014; Morral, Gore, and Shell 2015; Pershing 2003; Rosenbaum 2018; Turchik and Wilson 2010; Vijayasiri 2008; Wolff and Mills 2016).

Research on both military and civilian populations shows that the fear of social retaliation is greater when the person being reported is a comparatively more powerful member of the group. This could be because the alleged offender is of higher rank (Bonnes 2019; Turchik and Wilson 2010), is of higher social esteem (Bonnes 2019; Pershing 2003), or is considered a greater contributor to the collective performance of the team (McLaughlin, Uggen, and Blackstone 2012; Pershing 2003). The fear of social retaliation is also greater in groups with high levels of social cohesion, whether in (Bonnes 2019; Burns et al. 2014; Flynn, Hogan, and Feeney 2019; Rosenbaum 2018) or out of (Williams et al. 1999) the military. Social cohesion may be understood as a group-level condition in which members are attitudinally committed to each other, behaviorally interdependent, and collectively work to maintain these conditions (Friedkin 2004). While cohesion is generally viewed positively in military research (e.g., Siebold 2006), the strength and importance of these bonds are also precisely what make deviating from group norms so challenging. In highly cohesive groups, there is increased pressure to prioritize the group over the individual. Research on U.S. Naval cadets, for example, has documented cases where

sexual harassment was not reported because the group had a “code of silence” that viewed help-seeking behaviors as “snitching” (Pershing 2003).

Another study (Burns et al. 2014) found unit cohesion to encourage some help-seeking behaviors, but discourage others. The sustained closeness that facilitated cohesion made survivors more likely to recount what had happened to their peers. Nevertheless, many survivors did not report incidents since it would be viewed as “breaking up the team” and incur backlash (Burns et al. 2014, 347). The researchers found that, in spite of the fact that survivors were well versed in the various support services available (e.g., chaplain, combat support office, counselors), they hesitated to use them out of fear for how others would react (Burns et al. 2014).

### **3. Beyond Reporting**

Accountability regimes are only effective when people engage them. As a result, there is a lot of research on whether and why sexual misconduct survivors seek help by reporting. Comparatively less is known about what survivors do when they do not file reports. This is a significant gap since most sexual misconduct survivors navigate both the formal justice system and the informal norms around implementation.

One of the more underdeveloped areas of research concerns what survivors do when they do not pursue reporting. This is a significant gap since most sexual misconduct survivors in the military pursue non-reporting avenues, either before or instead of reporting (Bonnes 2019; Firestone and Harris 2003; Breslin et al. 2020). Data from the 1995 Armed Forces Sexual Harassment Survey showed that the first lines of response against sexual harassment were to try to ignore it, to tell the person to stop, or to make a joke out of the incident (Firestone and Harris 2003). More recent qualitative findings showed that the most common response strategies are to remain silent and attempt to avoid the harasser, downplay what happened, or reframe the experience as a test of strength (Bonnes 2019).

None of the non-reporting response strategies have been found to be particularly effective with respect to preventing future incidents, yet they are still the first line of defense for many survivors in the military (Bonnes 2019; Firestone and Harris 2003). More research is needed to understand the range of informal response strategies that survivors are employing. What are survivors doing and what might be done to support their efforts? Researchers should next turn their attention to understanding how survivors decide which strategy to use in a given situation. How do survivors align strategies with anticipated outcomes (e.g., protection from future incidents, redress) and what factors do they consider when choosing one or more strategies to pursue?

More research is also needed on what happens after reports are filed. Accountability regimes include every aspect of the formal disciplinary system, from the notification process to sentencing and punishing convicted offenders. Yet very little research examines

what happens to sexual misconduct cases after the initial report is filed. Survey findings show that many service members doubt whether reporting helped improve the situation. In 1995, approximately 53% of women and 45% of men who filed reports felt that the military's response made the situation better (Firestone and Harris 2003). More recent analyses show that only 40% of women and 50% of men who reported sexual harassment perceived “positive actions...as a result” (Grifka et al. 2018, 44).

With few studies on the inner workings of the military justice process, relatively little is known about what may be motivating service members' concerns. Some service members have pointed to challenges with the initial notification process; specifically, there are fears that commanders will retaliate against would-be reporters that are deemed not credible (Bonnes 2017, 2019; Breslin et al. 2019). Other survivors have expressed concerns that reporting would trigger investigations into activities co-occurring with the incident (e.g., underage drinking, fraternization, adultery) (DoD 2004; Turchik and Wilson 2010).<sup>5</sup> Approximately 29% of both male and female sexual assault survivors in the military said that they did not file a report because they “did not trust the process would be fair” (Barry et al. 2018, 145). Survivors have also chosen not to engage the military's accountability system because they believed “nothing would be done” (Pershing 2003; Breslin et al. 2019, 2020) or, even worse, that the justice process would not result in perpetrators being held accountable (Wolff and Mills 2016).

Developing a better understanding of why service members may hesitate to use the military's accountability regime first requires an in-depth look at the reporting process. Research on non-military populations shows that initial screening authorities (e.g., police officers, victim advocates, and medical professionals) hold a great deal of discretionary power over what happens when victims try to report crimes. Police officers listen to, interpret, and ultimately decide whether and how a victim's account of the incident will be recorded in formal reports (Moskos 2008). How this process unfolds shapes the language used to describe the incident which, in turn, can influence the likelihood and quality of the ensuing investigation (Armstrong, Gleckman-Krut, Johnson 2018; Moskos 2008; Spohn and Tellis 2019; Venema 2016). Research shows that police officers are more likely to believe victims of sexual assault when the incident involved physical violence, especially weapons; when the victim sustained physical injuries (Venema 2016; Spohn and Tellis 2019); when the assailant was a stranger; when the victim was visibly upset during the initial screening (Venema 2016); and when the incident was reported within an hour

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<sup>5</sup> It is possible that concerns about disciplinary consequences related to secondary forms of misconduct that co-occurred with a sexual assault may shift in the near future. Section 540H of the FY2020 National Defense Authorization Act commissioned an investigation into the feasibility of expanding an Air Force policy called Safe to Report to other services in the Department of Defense. Safe to Report protects sexual assault victims from disciplinary action related to secondary misconduct that occurred at the time of the incident.

(Spohn and Tellis 2019). Initial screening authorities both inside (Turchik and Wilson 2010) and outside (Spohn and Tellis 2019) the military have also been shown to assess credibility based on extralegal factors such as the victim's character, reputation, and secondary motivations.

Understandings of local accountability processes would also benefit from more attention to what happens after a report is filed. For example, research on non-military populations shows that prosecutors play an underappreciated role in shaping how cases process through the system. Since the volume of potential cases often exceeds the court's capacity, many prosecutors preselect which cases will receive formal charges and which will not (Moskos 2008). Prosecutors' selections, in turn, may influence how police officers handle future cases. Specifically, police officers have been found to quietly screen out cases that they believe are legitimate but anticipate prosecutors will not accept (Spohn and Tellis 2019). Research also shows that police officers put more effort into report writing when they believe prosecutors will view the case as having a credible victim and evidentiary strength (Moskos 2008; Spohn and Tellis 2019; Venema 2016).

Accountability regimes represent the entirety of the formal justice system along with informal norms around how it is implemented. To develop a better understanding of why service members express mixed opinions about the effectiveness of the military's justice system for responding to and preventing sexual misconduct, it is critical to expand research beyond the decision to report. Initial screening authorities and prosecutors are particularly important figures to understand, since they are gatekeepers to the formal justice system and play key roles in interpreting, documenting, and advancing cases.

## 5. Conclusion

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Sexual misconduct is unacceptably high in both military and non-military populations. Military policymakers have called for a better understanding of the wide range of mechanisms that may be driving incidence rates. This document provided a primer on the state of knowledge surrounding sexual misconduct among military populations, drawing upon research in a number of fields and disciplines. The goal was to familiarize readers with the problem space, including what remains unknown. In this section, we summarize findings and offer recommendations.

Most research on sexual misconduct focuses on identifying individual factors that may increase the risk of victimization. Research on both military and non-military populations has shown that sexual victimization is more common among females and gender minorities, compared to their respective counterparts. Research on civilians also demonstrates that being a racial or ethnic minority, being economically disadvantaged, or having a disability may increase one's vulnerability.

Scholars have also explored whether the risk of victimization varies depending upon what one does in the military. This work demonstrates that enlisted service members are at greater risk than commissioned officers. Victimization rates have also been shown to be lower in the Air Force than in all other Services.

To date, many studies on victimization have taken a piecemeal approach to assessing the salience of individual factors. When working with administrative datasets collected for other purposes, this may be unavoidable. However, to advance knowledge on victimization, a more theory-driven approach to assessing individual factors is necessary. For example, researchers studying non-military populations have theorized that sexual perpetrators disproportionately target lower status individuals in groups (Armstrong, Gleckman-Krut, Johnson 2018; Khan et al. 2020). This theory emerged by observing that many of the factors found to increase one's risk of sexual victimization refer to being some type of minority, whether being female in an male-dominated profession or being LGBTQ (lesbian, gay, bisexual, transgender, and queer or questioning) in a group primarily composed of heterosexuals. To explore this theory in a military context, researchers would have to first expand the list of tested factors to include a wider range of known and hypothesized markers of social disadvantage. For example, research suggests that people who work in non-combat roles and have not deployed garner less social esteem from their respective military counterparts (Feinstein 2015; Pang 2018). How might these and other military-specific social disadvantages impact the risk of victimization? Assessing a greater

variety of strategically-selected factors would enable researchers to develop a deeper understanding of why some factors, but not others, may increase the risk of sexual victimization. Theory-driven approaches allow researchers to go beyond describing what has happened to explore more important questions about why.

There has also been some work on perpetrators and their potential motives. Research on military populations suggests that perpetrators of sexual misconduct are more likely to be male (than female) and peers (rather than supervisors). Many of the studies that demonstrated this pattern engaged random probability samples, giving their findings notable scientific merit. Research on non-military populations likewise finds that most sexual assault perpetrators are male. Longitudinal and nationally representative studies also show that both men and women are more likely to have been sexually assaulted by someone of the same race or ethnicity than by someone of a different racial or ethnic background. Findings from several nationally representative studies show that most sexual assaults (80%) involve perpetrators who are not strangers.

Overall, there is more research on who is at risk of victimization than who is at risk of perpetration. This research imbalance risks putting undue responsibility on potential victims for taking steps to prevent future incidents. More work is needed to understand not only who has perpetuated sexual misconduct in the past, but also who has a propensity to do so in the future. A key step in this area of research will be to develop research samples that go beyond convicted sex offenders (i.e., people who got caught).

Thus far, research on sexual misconduct in the military offers limited insight into the role of context, most likely because this line of inquiry is comparatively less developed than research on individual factors. Research on context tends to focus on either potential enablers or potential constraints. In terms of enablers, researchers studying military populations have suggested that three aspects of context may contribute to higher rates of sexual misconduct: group composition, culture, and situations. Unfortunately, most of these assertions were based on literature reviews or peripheral findings, rather than direct, empirical examination of contextual factors. To advance this area of knowledge, empirical research on contexts and their potential effects is needed.

Research on non-military populations offers ideas on how to study context more directly. For example, cultural scholars have used both quantitative and qualitative methods to document how specific components of culture may contribute to an environment that is more or less conducive to sexual misconduct. What distinguishes this area of inquiry is that culture is not assumed or invoked as a blanket explanation, but rather operationalized and measured using empirical research. Moreover, drawing upon decades of cultural research in sociology, anthropology, and parts of psychology, culture is not treated as a monolithic and deterministic characteristic, but rather as a complex, evolving, and oftentimes contradictory set of default practices that people ultimately adapt and tailor to a given situation.

Research on sexual misconduct in both military and non-military populations appears to be a niche topic within the academic disciplines, in the sense that there are very few voices per discipline contributing insights. We also observed that research on sexual misconduct tends to focus on one population silo at a time (e.g., military service members, university students, restaurant servers, and so forth). To advance knowledge on contextual factors, cross-context comparative research is necessary. Firstly, cross-context comparative research would facilitate much-needed collaboration between experts on sexual misconduct from disparate fields, creating an opportunity to advance knowledge as a more unified and informed whole. Secondly, cross-context comparative research would offer a way to disentangle the impact of contextual influences from other influences tied to the sample. Randomized control trials are often considered the gold standard for studying causation, since they allow researchers to isolate and measure the impact of potential influences. Unfortunately, this approach is less feasible when the factor of interest is something that is difficult to plausibly, ethically, or affordably manipulate (e.g., informal norms around enforcing company policies). In these situations, cross-context comparative research offers a way of identifying systematic differences in the relationship of interest (e.g., how informal norms around enforcing company policies align with different rates of sexual harassment), albeit without a formal test of causality. Researchers would first conduct a comparative study within one organization and then replicate it using an analytically comparable second organization.

For example, if researchers were interested in how enforcement cultures contribute to sexual misconduct, they could begin by collecting information on enforcement cultures and sexual harassment incidence rates from multiple analytically comparable groups (i.e., those that vary in the strength of their enforcement cultures but are otherwise equal) in one organization. If researchers observe significant variation in sexual harassment incidence rates between groups that have stronger, as opposed to weaker, enforcement cultures, the next step would be to repeat the study on a different, but analytically comparable, organization. Minor differences across studies would offer insight into how the relationship between enforcement cultures and sexual harassment incidence rates works in different contexts. Major differences would suggest more work is needed before inferences about enforcement cultures and sexual harassment incidence rates can be drawn at all.

After researchers have identified a broader range of individual and contextual factors that may impact sexual misconduct, the next step will be to understand how the puzzle pieces fit together. Situations anchor actors, actions, and meanings to particular places, times, and historical trajectories. To date, research on military populations has tested whether certain situations experience different rates of sexual assault. These efforts have revealed significantly higher rates of sexual assault on military-controlled locations and at night, which is not surprising since this is when most service members are off work. To help stakeholders understand why certain situations are more conducive to sexual assault—

and to help identify other situations that may increase risk—a more systematic examination of situations is recommended. Like research on individual factors, this would involve theorizing about “the why” to generate hypotheses that could be tested empirically. And, like research on contextual factors, advancing knowledge on the role of situations would require more comparative research, both within and across populations. The benefit of studying situations, although challenging, is that it provides a way to understand why the puzzle pieces come together to produce sexual misconduct in some moments but not in others.

Researchers have also explored whether certain contextual factors are less conducive to sexual misconduct. Most work on constraints revolves around only one type of factor: the local accountability regime and its various components (e.g., the military justice system). The local accountability regime is one of the more important constraining factors, since it provides a way for survivors to alert authorities to potential perpetrators. The accountability system’s punishment mechanisms may also help deter future incidents. Research on non-military populations shows that people are more likely to utilize and comply with accountability regimes when they believe that key actors (e.g., law enforcement officers) enact disciplinary processes fairly and consistently. Put differently, sexual perpetrators are less likely to be deterred when they think they will not be held accountable for their actions. Research also shows that survivors are less likely to report an incident when they think the accountability regime is unjust.

Research on military populations has examined accountability regimes by documenting reporting rates and the reasons why some people do not report. These efforts have revealed consistently low reporting rates around sexual assault and even lower reporting rates when it comes to sexual harassment. Reporting rates are similarly low among non-military populations, which have been trending downwards since 2014. Previous research has identified several reasons why people do not report. In the military, some of the more common reasons are not regarding what happened as a reportable incident, fearing retaliation from fellow unit members, and low confidence in the accountability system. Research on non-military populations suggests that survivors are less likely to frame an incident as report-worthy if sexual misconduct has become normalized in the context where it occurred. In such cases, sexual misconduct is often reframed as a more socially acceptable practice, such as “hazing” or “girl watching.” The normalization of sexual misconduct also recasts attempts to report as going against the group, which can trigger social policing mechanisms like professional and social retaliation.

Research on military populations shows that retaliation is a significant concern among survivors considering whether to report. Findings from the 2014 WGRA revealed that over a quarter of the women who reported sexual misconduct experienced professional retaliation, while almost half experienced social retaliation. To date, there is little empirical

evidence on how either form of retaliation operates in practice, both in terms of the processes through which it deters reporting and how it affects the lives of those who do. Given the importance of this topic to survivors, along with the scale of reported retaliation, a in-depth examination of retaliation experiences and processes is recommended.

Research on both military and non-military populations shows that most incidents of sexual misconduct are not reported, leaving survivors to fend for themselves without support from their local accountability regimes. Research also shows that most survivors pursue informal means of dealing with sexual misconduct before seeking formal help. To date, very few studies document how survivors manage in these situations. The few that exist suggest that survivors may attempt to defuse the situation by treating it as a joke, attempt to protect themselves by trying to avoid the perpetrator, and cope with the psychological impacts by reframing survivorship as a badge of strength. To advance knowledge on why people do not report incidents of sexual misconduct in the military, it would be helpful to have a more comprehensive understanding of the informal strategies that survivors employ. As part of this effort, it would be worth exploring perceptions on the efficacy of each strategy and how survivors decide which one to pursue.

To advance knowledge on how accountability regimes may affect the incidence of sexual misconduct, one must also contend with questions about efficacy. As of 2016, fewer than half the service members who reported sexual misconduct felt that the ensuing disciplinary process helped improve their situation. Some service members were concerned about fairness, while others doubted that the disciplinary process would result in accountability. With very little research on the inner workings of the military justice process, it is unclear why. To develop a more concrete understanding of what may be motivating service members' concerns, in-depth research on each stage of the accountability process is recommended. Research on non-military populations demonstrates that reporting authorities and prosecutors have significant influence on how cases progress through investigative and legal processes. While discretionary authority is an important management strategy in overworked and under-resourced systems, there is also evidence that it can lead to cases being filtered based on non-legal aspects of the incident (e.g., the survivor's reputation). To help safeguard against these risks, it will be important to develop a better understanding of how various gatekeepers in the military justice system are processing and adjudicating cases.

Sexual misconduct can have lifelong impacts on service members. Survivors may experience physical and mental ailments, stunted professional trajectories, and interpersonal conflict with the very people they need to be able to rely upon in the battlefield. Sexual misconduct can also have significant and negative impacts on organizational readiness, from a loss of productivity to people leaving the force. Given the multitude of factors that may contribute to sexual misconduct and the variety of harms these incidents may inflict, interventions must be developed using a broad base of scientific

evidence. In this document, we provided an overview of what researchers have empirically demonstrated, to date, about how sexual misconduct works in a military environment. The review was not meant to be exhaustive, but rather to provide a primer on the current state of knowledge about the problem space and, more importantly, how it may be advanced.

## Appendix A. Tables

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**Table A-1. Intellectual Backgrounds<sup>6</sup> of Texts Cited**

<b>Intellectual Background / Discipline</b>	<b>Percentage</b>
Business	0.6%
Criminal Justice / Criminology	6.3%
Economics	0.6%
Education	0.6%
Health	7.5%
Law	4.0%
Management	1.7%
Media	0.6%
Medicine	1.1%
Government Report / Documentation	9.2%
Political Science	2.3%
Psychology	34.5%
Public Policy and Administration	3.4%
Social Work	4.0%
Sociology	23.6%
<b>Total</b>	<b>100.0%</b>

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<sup>6</sup> Intellectual backgrounds identified through the academic credentials and primary institutional affiliation of the first or leading author.

**Table A-2. Key Terms Used by Federal Data Collection Efforts to Describe Sexual Violence**

<b>Terms</b>	<b>DSAID (DoD)</b>	<b>WGRA (DoD)</b>	<b>Clery Act data (DoE)</b>	<b>NEISS- AIP (HHS)</b>	<b>NISVS (HHS)</b>	<b>NCVS (DOJ)</b>	<b>NIS (DOJ)</b>	<b>SSV (DOJ)</b>	<b>UCR- SRS (DOJ)</b>	<b>UCR- NIBRS (DOJ)</b>
Abusive Sexual Contact	X	—	—	—	—	—	X	X	—	—
Aggravated Sexual Contact	X	—	—	—	—	—	—	—	—	—
Assault-sexual	—	—	—	X	—	—	—	—	—	—
Attempted Penetrative Sexual Assault	—	X	—	—	—	—	—	—	—	—
Attempts to Commit Offenses	X	—	—	—	—	—	—	—	—	—
Being Made to Penetrate Someone Else	—	—	—	—	X	—	—	—	—	—
Fondling	—	—	X	—	—	—	—	—	—	X
Forcible Sodomy	X	—	—	—	—	—	—	—	—	—
Nonconsensual Sexual Acts	—	—	—	—	—	—	X	X	—	—
Noncontact Unwanted Sexual Experiences	—	—	—	—	X	—	—	—	—	—
Nonpenetrative Sexual Assault	—	X	—	—	—	—	—	—	—	—
Penetrative Sexual Assault	—	X	—	—	—	—	—	—	—	—
Sex Offenses	—	—	—	—	—	—	—	—	X	—
Rape	X	—	X	—	X	X	—	—	X	X
Sexual Assault	X	—	—	—	—	X	—	—	—	—
Sexual Assault with an Object	—	—	—	—	—	—	—	—	—	X
Sexual Coercion	—	—	—	—	—	X	—	—	—	—
Sodomy	—	—	—	—	—	—	—	—	—	X
Staff Sexual Harassment	—	—	—	—	—	—	—	X	—	—
Staff Sexual Misconduct	—	—	—	—	—	—	X	X	—	—

<b>Terms</b>	<b>DSAID (DoD)</b>	<b>WGRA (DoD)</b>	<b>Clery Act data (DoE)</b>	<b>NEISS- AIP (HHS)</b>	<b>NISVS (HHS)</b>	<b>NCVS (DOJ)</b>	<b>NIS (DOJ)</b>	<b>SSV (DOJ)</b>	<b>UCR- SRS (DOJ)</b>	<b>UCR- NIBRS (DOJ)</b>
Unwanted Sexual Contact	—	—	—	—	X	—	—	—	—	—
Unwilling Activity	—	—	—	—	—	—	X	—	—	—
Willing Activity	—	—	—	—	—	—	X	—	—	—

Note: The acronyms included in Table A-2 reference the following data collection efforts: Defense Sexual Assault Incident Database (DSAID); Workplace and Gender Relations Survey of Active Duty Members (WGRA); National Electronic Injury Surveillance System-All Injury Program NEISS-AIP); National Intimate Partner and Sexual Violence Survey (NISVS); National Crime Victimization Survey (NCVS); National Inmate Survey (NIS); Survey of Sexual Victimization (SSV); Uniform Crime Reporting Program-Summary Reporting System (UCR-SRS); UCR-NIBRS: Uniform Crime Reporting Program-National Incident-Based Reporting System (UCR-NIBRS).

Source: Goodwin, Gretta L. 2016. Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences across Federal Data Collection Efforts. GAO-16-546. Washington, DC: Government Accountability Office.



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## Abbreviations

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DMDC	Defense Manpower Data Center
DoD	Department of Defense
DoDD	DoD Directive
DoDI	DoD Instruction
DSAIID	Defense Sexual Assault Incident Database
GAO	Government Accountability Office
IDA	Institute for Defense Analyses
LGBTQ	lesbian, gay, bisexual, transgender, and queer or questioning
MCM	Manual for Courts-Martial
NCVS	National Crime Victimization Survey
NEISS-AIP	National Electronic Injury Surveillance System – All Injury Program
NIS	National Inmate Survey
NISVS	National Intimate Partner and Sexual Violence Survey
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual Assault Response Coordinator
SSV	Survey of Sexual Victimization
UCMJ	Uniform Code of Military Justice
UCR	Uniform Crime Reporting
UCR-NIBRS	Uniform Crime Reporting Program – National Incident-Based Reporting System
UCR-SRS	Uniform Crime Reporting Program – Summary Reporting System
U.S.	United States of America
VA	Victim Advocate
WGRA	Workplace and Gender Relations Survey of Active Duty Members
WGRR	Workplace and Gender Relations Survey of Reserve Component Members



**REPORT DOCUMENTATION PAGE***Form Approved*  
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

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1. REPORT DATE February 2021		2. REPORT TYPE FINAL		3. DATES COVERED (From-To)	
4. TITLE AND SUBTITLE  Sexual Misconduct in the Military: Contextualizing the Problem Space, Advancing the Dialogue				5a. CONTRACT NUMBER HQ0034-19-D-0001	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)  Pang, Alexis A.                      Fedele, Emily A. Alrich, Amy A.                      Williams, Ashlie M. Adams, Joseph F.                  Belanich, James Dubin, Rachel D.                  Cotting, Dave I.				5d. PROJECT NUMBER BE-2-4764	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)  Institute for Defense Analyses Systems and Analyses Center 4850 Mark Center Drive Alexandria, VA 22311-1882				8. PERFORMING ORGANIZATION REPORT NUMBER  IDA Document D-21578	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)  Army Resilience Directorate 2530 Crystal Drive, 6th Floor Arlington, VA 22202				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT  Approved for public release; distribution is unlimited (17 May 2021).					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT  Sexual misconduct is a significant social problem, both in and out of the military. It can be life-altering for those who experience it, and it can cause significant strain in the communities where it happens. Military policymakers have called for an evidence-based understanding of the individual and contextual factors that may contribute to sexual misconduct. The Headquarters, Department of the Army Deputy Chief of Staff/G-1, Army Resilience Directorate (ARD), and the Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) tasked the Institute for Defense Analyses (IDA) to identify research opportunities that could be used to inform future interventions. The purpose of this document is to introduce the state of knowledge on sexual misconduct and provide recommendations on how to advance this important area of research.					
15. SUBJECT TERMS  military personnel; sexual assault; sexual harassment; sexual misconduct prevention; sexual misconduct response					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT Uncl.	b. ABSTRACT Uncl.	c. THIS PAGE Uncl.			Newman, Jenna
			SAR	74	19b. TELEPHONE NUMBER (include area code) (703) 571-7278