

(Added Pub. L. 108-375, div. A, title V, § 545(a)(1), Oct. 28, 2004, 118 Stat. 1908, § 4360; renumbered § 7460, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4360 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 7461. Policy on sexual harassment and sexual violence

(a) **REQUIRED POLICY.**—Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) **ANNUAL ASSESSMENT.**—(1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) **ANNUAL REPORT.**—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Army and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Commit-

tee on Armed Services of the House of Representatives.

(Added Pub. L. 109-364, div. A, title V, § 532(a)(1), Oct. 17, 2006, 120 Stat. 2200, § 4361; renumbered § 7461, Pub. L. 115-232, div. A, title VIII, § 808(c)(1), Aug. 13, 2018, 132 Stat. 1839.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 4361 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d)(4)(B) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

DEVELOPMENT OF RESOURCE GUIDES REGARDING SEXUAL ASSAULT FOR THE MILITARY SERVICE ACADEMIES

Pub. L. 115-232, div. A, title V, § 545, Aug. 13, 2018, 132 Stat. 1764, provided that:

“(a) DEVELOPMENT.—Not later than 30 days after the date of the enactment of this Act [Aug. 13, 2018], each Superintendent of a military service academy shall develop and maintain a resource guide for students at the respective military service academies regarding sexual assault.

“(b) ELEMENTS.—Each guide developed under this section shall include the following information with regards to the relevant military service academy:

“(1) PROCESS OVERVIEW AND DEFINITIONS.—

“(A) An explanation of prohibited conduct, including examples.

“(B) An explanation of consent.

“(C) Victims’ rights.

“(D) Clearly described complaint process, including to whom a complaint may be filed.

“(E) Explanations of restricted and unrestricted reporting.

“(F) List of mandatory reporters.

“(G) Protections from retaliation.

“(H) Assurance that leadership will take appropriate corrective action.

“(I) References to specific policies.

“(J) Resources for survivors.

“(2) EMERGENCY SERVICES.—

“(A) Contact information.

“(B) Location.

“(3) SUPPORT AND COUNSELING.—Contact information for the following support and counseling resources:

“(A) The Sexual Assault Prevention and Response Victim Advocate or other equivalent advocate or counselor available to students in cases of sexual assault.

“(B) The Sexual Harassment/Assault Response and Prevention Resource Program Center.

“(C) Peer counseling.

“(D) Medical care.

“(E) Legal counsel.

“(F) Hotlines.

“(G) Chaplain or other spiritual representatives.

“(c) DISTRIBUTION.—Each Superintendent shall provide the current guide developed by that Superintendent under this section—

“(1) not later than 30 days after completing development under subsection (a) to each student who is enrolled at the military service academy of that Superintendent on the date of the enactment of this Act;

“(2) at the beginning of each academic year after the date of the enactment of this Act to each student

who enrolls at the military service academy of that Superintendent; and

“(3) as soon as practicable to a student at the military service academy of that Superintendent who reports that such student is a victim of sexual assault.”

APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES

Pub. L. 113-291, div. A, title V, § 552(a), Dec. 19, 2014, 128 Stat. 3377, provided that: “The Secretary of the military department concerned shall ensure that the provisions of title XVII of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 950) [see Tables for classification], including amendments made by that title, and the provisions of subtitle D [subtitle D (§§ 531-547) of title V of div. A of Pub. L. 113-291, see Tables for classification], including amendments made by such subtitle, apply to the United States Military Academy, the Naval Academy, and the Air Force Academy, as applicable.”

PREVENTION OF SEXUAL ASSAULT AT MILITARY SERVICE ACADEMIES

Pub. L. 113-66, div. A, title XVII, § 1746, Dec. 26, 2013, 127 Stat. 983, provided that: “The Secretary of Defense shall ensure that the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy include a section in the curricula of that military service academy that outlines honor, respect, and character development as such pertain to the issue of preventing sexual assault in the Armed Forces. Such curricula section shall include a brief history of the problem of sexual assault in the Armed Forces, a definition of sexual assault, information relating to reporting a sexual assault, victims’ rights, and dismissal and dishonorable discharge for offenders. Training in such section in the curricula shall be provided within 14 days after the initial arrival of a new cadet or midshipman at that military service academy and repeated annually thereafter.”

FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND SEXUAL HARASSMENT ISSUES

Pub. L. 109-364, div. A, title V, § 532(b), Oct. 17, 2006, 120 Stat. 2205, provided that:

“(1) USE OF FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of a military department is not required by law to conduct a survey at the service academy under the Secretary’s jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

“(2) INCLUSION IN REPORT.—Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary’s annual report to Congress on sexual harassment and sexual violence at the service academies.

“(3) SERVICE ACADEMIES.—For purposes of this subsection, the term ‘service academy’ means the following:

“(A) The United States Military Academy.

“(B) The United States Naval Academy.

“(C) The United States Air Force Academy.”

§ 7462. Support of athletic programs

(a) AUTHORITY.—

(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Army may enter into contracts and cooperative agreements with the Army West Point Athletic Association for the purpose of supporting the athletic programs of the Academy. Notwithstanding section 2304(k) of this title, the Secretary may