LGBTQ Military Sexual Assault Survivors and Disproportionate Retaliation

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Introduction

In recent years, the United States military and its criminal justice system have come under distinct and intense scrutiny for its gender bias as well as many inappropriate rules that have been implemented since the inception of the Uniform Code of Military Justice (UCMJ) in 1951. In November 2012, the UCMJ was amended to add an article outlining rape and sexual assault policy, a section that previously did not detail what constitutes sexual assault nor how it would be punished (Department of Defense, Article 120). Now, the UCMJ both defines rape and sexual assault as well as describes how these acts will be prosecuted in a military court-martial (Department of Defense, Article 120). Since then, strides have been taken to minimize military sexual assault, collect more accurate data, and to better prosecute these crimes; yet, sexual violence in the military remains pervasive. In fact, both female and male military service members are more likely to be sexually assaulted than those who are not active servicemembers (RAND Corporation, 2014). This indicates that sexual assault is more common for servicemembers than for the general population. However, there is scarce data on the LGBTQ population, especially with regard to sexual assault since being able to identify as a LGBTQ is a relatively new option. Yet, it is critical to understand well-being of LGBTQ servicemembers as past research has shown that they face notable discrimination and marginalization (Bulmer, 2013; Gates & Herman, 2014; Moradi, 2009). Thus, this study aims fill the void by examining whether identifying as LGBTQ in the military has an effect on retaliation among sexual assault survivors.

In 2014, approximately 15,000 service members reported being sexually assaulted (RAND Corporation, 2014). This number remained consistent through 2015 and 2016

(Department of Defense, 2017). The Department of Defense (2017) estimates that over 80% of military sexual assault victims do not report their crime, suggesting that the 15,000 reports per year are simply a portion of the total amount that sexual assaults that occur. One in three victims of military sexual assault cite the process being unfair or ineffective as their reason for not reporting, and 1 in 4 cite fear of retaliation from coworkers or from their commanding officer (RAND Corporation, 2014). Of the individuals who did report, 33% of men and 25% of women alleged that their perpetrator was someone in their chain of command, and 50% of men and 33% of women detailed poor treatment by their commanding officers after reporting their assaults (RAND Corporation, 2014).

These statistics suggest that retaliation toward victims of military sexual assault is almost as pervasive as the sexual violence itself. 60% of those who report a sexual assault also report facing retaliation, and 77% of those individuals report that their retaliators were in their chain of command (RAND Corporation, 2014). Forms of retaliation include disciplinary hearings and sanctions, sexual harassment, further sexual assault, reduction of rank, false mental health diagnoses from the VA, and an impact on being discharged or discharge status (Human Rights Watch, 2016). In fact, 33% of victims are discharged within 7 months of reporting the assault, and victims are more likely to receive harsher discharges (Department of Defense Inspector General, 2016; Veterans Legal Clinic; Legal Services Center of Harvard Law School, 2016). Specifically, 24% of victims who report their assault are separated from the military under less than honorable conditions, while this number remains consistently at 15% for all service members (Veterans Legal Clinic; Legal Services Center of Harvard Law School, 2016).

While the Department of Defense breaks down sexual assault cases by gender, rank, branch, and other demographic information, it does not by sexual orientation. The LGBTQ military population is particularly marginalized because "Don't Ask, Don't Tell" was rescinded in 2010 (H.R. 2965, 2010). Accordingly, the ability for a servicemember to identify as LGBTQ is a relatively new option, and so there is scarce data on this population, especially with regard to sexual assault. This research, therefore, employs unique data that is collected by the organization, Protect Our Defenders (POD), a non-profit human rights organization. POD provides pro bono resources and legal support for military sexual assault survivors (Protect Our Defenders, 2018). More specifically, POD advocates for new policies and legislation and engages in casework with survivors – referring them to pro bono attorneys, helping them receive VA benefits, and submitting Freedom of Information Act requests on their behalf. Through their casework, POD has conducted intake surveys and interviews as background information. Using POD's survey data, this research aims to answer if identifying as LGBTQ in the military has an effect on the retaliation among sexual assault survivors. This information can contribute to the conversation on how the LGBTQ population is marginalized due to the emphasis that society places on heteronormativity.

This thesis begins with a review of the background literature: prevalence of military sexual assault, factors contributing to high rates of military sexual assault, post-assault retaliation, and LGBTQ servicemembers. Then, I discuss the theoretical framework and related scholarship. Next, I present the analytical framework by describing data, methods, and measures, and then I present the results. Finally, this thesis concludes by highlighting key findings and discussing the implications of this study.

Literature Review

Prevalence of Military Sexual Assault

As previously highlighted, the rate of sexual assault in the military is higher than that for the overall American population. While approximately 11% of American women have reported an incident of sexual assault in their lifetime, this number is closer to 33% for women in the military (Basile, et al., 2007; Murdoch, et al., 2007). When examining rape specifically, 10.5% of female service members have reported completed or attempted rape (Murdoch, et al., 2007). One study that implemented a telephone survey of 600 female veterans found that 23% of military women who utilized VA health services reported that they have experienced the threat of sexual assault or the force of it (Sadler et al., 2000). A study that collected data from 1997-2000 found that 33% of servicewomen who used VA medical or counseling services were victims of either oral, anal, or vaginal sex against their will (Surís, et al., 2007). A more recent study concluded that women who experience military sexual trauma face 3 to 1 odds of facing a mental health diagnosis opposed to military women who did not experience sexual assault (Kimerling, et al., 2007).

Looking at male victims of military sexual assault, the rates vary dramatically between different studies, which is likely due to the stigma associated with male victims of rape. While the stigma associated with male victims is out of the scope of this paper, there are past studies that explored this in detail (e. g., Rosen & Martin, 1998). Some studies find that only 1% of male service members report sexual assault, whereas other studies find this number to be closer to 12% (Kimerling, et al., 2007; Murdoch, et al., 2004; Murdoch et al., 2007). Specifically, Kimerling's (2007) study found that 1% of

military servicemen have reported sexual trauma while in the military, while Murdoch's (2004) study reported this number to be closer to 4%. On the other hand, prevalence of sexual harassment is much higher – ranging from 36% to 74% of servicemen reporting an incident of sexual harassment (Murdoch et al., 2007; Street, et al., 2007).

Although there are not ample studies with recent rates of military sexual assault, previous research suggests that the rates have been increasing over time (Coyle, Wolan, & Van Horn, 1996; Turchik & Wilson, 2010). One study found that the rate of sexual assault has steadily increased from 26.6% of servicewomen who served before 1974 to 23.4% of those who served after 1984. Although the Department of Defense reported that rape declined from 6% to 3% from 1995 to 2002, their most recent data shows an increase in sexual assault among service members from 2014 to 2016 (Coyle, et al. 1996; Department of Defense, 2004; Department of Defense, 2016). The Department of Defense (2017) also noted that LGBT servicemembers face a greater likelihood of sexual assault and sexual harassment than their heterosexual counterparts. Approximately 26% of those who identify as LGBT reported assault or harassment while this number is closer to 8% for service members who did not identify as LGBT (Department of Defense, 2017). It should be noted that these statistics vary dramatically from those found by researchers who are independent from the military.

Factors Contributing to High Rates of Military Sexual Assault

There are several explanations for disproportionally high rates of sexual assault among military service members, including sociodemographic factors, alcohol use, prior sexual abuse and perpetration, the military cultural structure, environment with an emphasis on violence and hypermasculinity, military laws and policies, and low reporting

rates (Turchik & Wilson 2010). Socio-demographics, alcohol use, and military culture will be explored in more detail as these factors are discussed most abundantly in previous research.

Socio-demographics. It must be noted that those who are in the U.S. military have volunteered to join, and thus service members are a "self-selected" group (Turchik & Wilson, 2010). Furthermore, due to the restrictive guidelines for joining the military (i.e. age, health, etc.), the demographic make-up of the military is different than that of the overall population, including fewer women, fewer individuals over 50 years old, fewer people with college degrees, and "fewer Caucasians, Hispanics, and Asians and more African Americans than the overall population" (Turchik & Wilson, 2010, U.S. Government Accountability Office, 2018).

Although substantial research has not found statistically significant causation between particular demographics and sexual assault, some data notes that a relationship does exist. For instance, Elliot (2004) found that a female servicemember, in her twenties or thirties, divorced, and of low socioeconomic status is more likely to be sexually assaulted in the military rather than in the civilian population. However, more recent research has not been done to confirm this still is applicable today. In 2017 particularly, 82% of victims were female. Examining age, while 18 to 24-year-olds represent 35% of those who report a sexual assault in the general American population, but approximately 67% of victims age 16-24 in the military (Department of Defense, 2017; Turchik & Wilson, 2010).

Alcohol use. A 2005 Department of Defense report highlighted substance use as a contributing factor to sexual violence. (Department of Defense, 2005). In the military

academies specifically, alcohol was a factor in approximately 60% of sexual assault cases. In active service, the number drops to 50% (Department of Defense, 2004; Turchik & Wilson, 2010). More recent Department of Defense reports do not mention substance use such as alcohol in their data on sexual assault. However, it is a consensus among scholars that alcohol is often an additional factor when it comes to sexual assault, whether it be in the military or in the general population (Lippy & DeGue, 2016; Turchik & Wilson, 2010).

Military culture. Due to the fact that the military has many of its own institutions and procedures, its values and customs are singular as well, ranging from the Military Justice System to military police to educational bodies (Turchik & Wilson, 2010). Current literature suggests that these norms may contribute to the prevalent sexual violence among service members. Hunter (2007), for example, notes sexualized and violent language, violent/force components of the job, the chain of command, additional levels of protection, and the closed community as factors that may promote sexual violence (Turchik & Wilson, 2010). Looking at the closed community, group cohesion prompts the socialization that promotes violent and gendered language and attitudes (O'Brien, 2015). Other scholars also note that both the "existence and acceptance" of patriarchal and sexist sentiments strongly contribute to military sexual violence (Bryde & Madore, 2016; Turchik & Wilson, 2010). The presence of hierarchies and institutions that are both male-dominated and male-run lead to an uneven power balance between men and women. In fact, some academics believe that seldom positioning women in leadership roles is a significant "impediment to solving issues of sexual misconduct," as women are currently underrepresented and not in positions of power (Mazur, 2007, p.

993).

Other scholars focus on male perpetrated sexual assault on male victims. Generally, the power dynamics remain largely the same as they do in male perpetrated sexual assault on female victims (O'Brien, 2015; Turchik & Wilson, 2010). Similar to same-sex sexual assault in prison, sociologists see male-on-male military rape as "an acting out of power roles within an…authoritarian environment" (Brownmiller, 1975). Due to the stigma that often follows rape where males are the victims and where retaliation is common, the strict military environment does not foster an atmosphere where victims feel comfortable reporting their assaults (Obrien et al., 2015; Valente & Wight, 2007).

Post-Assault Retaliation

Retaliation allegations are more seldom reported than that of sexual assault in the military. Sexual trauma retaliation is considered by the military to be adverse action as a result of the assaults (RAND Corporation, 2014, p.72). In 2017, 197 instances of retaliation following sexual assault were reported or adjudicated, and 75% of these incidents were reported by female servicemembers (Department of Defense, 2017). Categories of retaliation that the Department of Defense (2017) examined were reprisal, ostracism, cruelty or maltreatment, restriction, other criminal offenses, and other matters. The most common retaliators were individuals in the reporter's chain of command (73%), peers (9%), a superior who is not in the reporter's chain of command (6%) and an individual who had a relationship with the alleged perpetrator (3%) (Department of Defense, 2017).

The Department of Defense uses these rates of retaliation to "track progress in its

efforts to reduce the stigma associated with reporting sexual assaults" (RAND Corporation, 2014, p. 72). The above categories, as discussed by the Department of Defense, of retaliation are considered social retaliation, while other forms outlined by Rand Corp. are professional or administrative. Professional retaliation includes being denied promotions, and administrative actions include being transferred to different assignments or units or being punished on small violations, such as drinking (RAND Corporation, 2014). Similar to the Department of Defense's 2017 report, Rand Corp. (2014) found that 62% of women who reported sexual assault later reported retaliation because of reporting, and 53% of those said that they believed the retaliation to be social whether it be verbal cruelty or additional physical violence. The rates in 2014 were statistically similar to that of 2012 (RAND Corporation, 2014).

A study on perceived repercussions categorized retaliation differently. Namrow et al. (2017) identify professional reprisal and ostracism/maltreatment as the primary categories of retaliation. In Namrow et al.'s (2017) definition, professional reprisal includes the professional and administrative retaliation that RAND Corp. (2014) outlines. 75% of individuals in Namrow et al.'s (2017) study believed perceived retaliation that was or could impact their position or career, 56% believed that they were rated lower than they deserved on a performance evaluation as a result of reporting, 39% reported being reassigned to duties that did not match their rank, and 39% reported being denied a training opportunity that was necessary to maintain their current position or was necessary to be promoted. Other forms of professional reprisal include being denied an award they "were previously eligible to receive," were disciplined, demoted, preventing from "communicating with the Inspector General [of the Department of Defense] or a

member of Congress," transferred "to a different unit or installation," ordered "mental health evaluations," or reduced "pay or benefits" (Namrow, 2017, p. 62).

Ostracism and maltreatment, or social retaliation, include social exclusion, cruel language, and further violence or threats (RAND Corporation, 2014; Namrow et al., 2017). As far as findings for sexual assault victims who experienced ostracism, 89% perceived that their peers gave them "the silent treatment" or ignored them, 86% reported "insulting or disrespectful remarks" in public, and 81% perceived that they were being excluded from social gatherings (Namrow, 2017, p.71). Of those who perceived maltreatment as a form of retaliation, 72% of respondents reported "insulting or disrespectful remarks" at their expense in private, 66% indicated that they were bullied or intimidated, and 15% reported being threatened with publicizing "private images, photos, or videos" of the reporter to others (Namrow, 2017, p. 77). These numbers indicate not only that sexual assault is prevalent among military service members, but also that subsequent retaliation, or "reprisal," is as well.

LGBTQ Servicemembers

There are approximately 15,000 current service members who identify as transgender and over 100,000 transgender veterans (Gates & Herman, 2014). Studies conducted prior to the repeal of "Don't Ask, Don't Tell" revealed that in overall society, disclosing sexual orientation generally promotes positive personal and professional relationships for the individual while concealing this part of one's identity often creates stress that may prompt negative personal and professional outcomes (Moradi, 2009; Ragins, 2003). Moradi (2009) found that for the individuals who were disclosing their sexual orientation, job satisfaction increased. Furthermore, the study also found that

disclosure of sexual assault more often positively impacted or did not impact at all group cohesion, personal morale, or unit moral, as opposed to negatively affecting morale (Moradi, 2009).

However, since "Don't Ask, Don't Tell" was repealed, empirical data suggests that stigma and resistance to the policy change have resulted in an increase in victimization of homophobic harassment (Haldeman, 2015). Furthermore, an empirical study written in the aftermath of the repeal of "Don't Ask, Don't Tell" found that the proportion of transgender individuals among the US military population is higher than that of the US total population (Gates & Herman, 2014). Both Halderman's (2015) and Gates and Herman's (2014) studies suggest that further research on the LGBTQ community is vital in order to understand the effects of identifying as LGBTQ on how the military handles these cases. However, no current literature or data exists outlining this population's experience with military sexual assault or the consequential retaliation that these victims face.

Theoretical Framework

Heteronormativity Theory

In order to examine whether identifying as LGBTQ in the military has an influence on the retaliation that sexual assault survivors face, this research employs a theoretical lens of heteronormativity. For this research, heteronormativity is defined as the norm that positions heterosexual relationships as dominant in social, cultural, political, and economic realms (Jeppesen, 2018). In other words, it is the norm that privileges heterosexuality. Heteronormativity is a theoretical framework used only occasionally in sociological or criminological research, but it is commonly utilized in the

disciplines of gender studies, women's studies, and LBGTQ studies as at aligns with queer and gender studies. Thus, this theory will serve as the basis of my research because it can be used to explore gender and sex dynamics that have existed for centuries, influencing the foundation of the U.S. Armed Forces as well as their values and norms.

The theory of heteronormativity was coined by social scientist, M. Warner. In his article "Fear of a Queer Planet," Warner (1991) advances heteronormativity as a field of power with heterosexual couples and families at the center and individuals of other sexualities are simply invisible and are consciously blocked from view. In the heteronormative society, heterosexuality is seen as both normative and functional to the degree where alternative sexualities or lifestyles are seen as lesser functional. Furthermore, some queer studies scholars argue that heteronormative culture posits minority forms of sexuality and gender as deviant, stigmatizing and oppressing these individuals (Lovaas & Jenkins, 2006). Practical forms of oppression and discrimination of LGBTQ individuals is seen in laws concerning marriage, tax codes, and adoption rights.

LBGTQ discrimination is not an issue that a heteronormative nuclear family faces, which is a traditional family structure that has two heterosexual parents and biologically related children. Heteronormativity theory posits these families as normative and all other family structures as unnatural. Traditionally, non-normative families included single-parent households and families with adopted children. In past decades, this has expanded to include those with same-sex parents or other queer identities, namely, LGBTQ. While some scholars focus on the traditional families that heteronormativity emphases, other academics see heteronormativity as relaying

sentiments of “good sex” and “bad sex,” which aligns with homophobia and LBGTQ prejudices.

Theoretical Heteronormativity Scholarship

Debate over heteronormativity permeates the public discourse, creating a sex and gender hierarchy where “good” refers to heterosexual individuals and “bad” refers to anyone else (Rubin, 1993). This often carries over not just to other social realms, but also that of employment as workplace discrimination includes anti-homosexual hiring policies, promotion policies, or even those relating to firing employees that are thought not to be heterosexual (Krupat, 2001). In the United States especially, these practices are seen – and legally ruled – legitimate based on freedom of religion, as companies can argue that anti-heteronormative practices transgress against the culture that these businesses aim to foster (Krupat, 2001). For instance, in 1991 Cracker Barrel fired an openly gay employee, citing her sexual preferences as “inconsistent” with their values (Krupat, 2001).

Although simply an example, this Cracker Barrel case highlights the heterosexism and homophobia that play an underlying part in the heteronormativity that pervades all aspects of society including families, culture, and employment. Examining similar workplace norms, studies have been done that examine heteronormativity in the British armed forces (Krupat, 2001). In a military setting specifically, queer identity often cannot be reconciled with the heteronormative masculinity that pervades the patriarchal military culture. Non-heteronormative service members, thus, experience patriarchal confusion, which further marginalizes this group as their identities are often not clear even to themselves, placing these individuals in a position vulnerable to sexual assault and

consequential retaliation (Bulmer, 2013).

Hypothesis

Following this discussion on heteronormativity theory, this study hypothesizes that servicemembers who identify as LGBTQ are more likely to face sexual assault retaliation than their heterosexual counterparts. Heternormativity provokes oppression and stigma for non-heteronormative individuals, particularly in the armed forces. Although progressive society has made strides in terms of moving to minimize the patriarchal gender binary that has traditionally been society's norm, the military's progression has been slower. As discussed earlier, "Don't Ask, Don't Tell" was repealed in 2010, far after queer identity had been widely accepted in American society although it can be argued to what degree and how strongly these identities are accepted.

Analytical Framework

Data and Methods

The aim of this research is to examine whether LGBTQ military sexual assault survivors are more likely to experience retaliation compared to non-LGBTQ counterparts. This research fills a gap in the research concerning military sexual assault by employing a logistic regression to predict if LGBTQ identification impacts the likelihood of retaliation. The quantitative dataset is from Protect Our Defenders (POD). The data were collected from June 2013 to August 2018 with an original sample size of 1,059. Since POD supplied the data for this study, the sample size was reduced down to 268 after accounting for missing data. The data will be examined and analyzed by comparing military sexual assault survivors who identify as LGBTQ, who do not identify as LGBTQ, and who prefer not to answer this question. Five other independent variables

will be examined as well to explore other possible predictors of retaliation following military sexual assault. Further and deeper discussion on how the data analysis methods can be found in the following section.

Measures

Dependent variables: The three dependent variables used are discharge status, perceived retaliation, and punitive administrative actions. All three dependent variables are used to measure retaliation as retaliation may occur in forms other than what is perceived by the victim. As mentioned in the introduction, victims who report sexual assault are more likely to be separated from the military under less than honorable conditions than service members as a whole (Veterans Legal Clinic; Legal Services Center of Harvard Law School, 2016). Accordingly, this research will explore if this disparity in discharge characterizations is heightened when looking at sexual assault victims, examined with the six independent variables.

Possible discharge characterizations are: Honorable discharge, general discharge, other than honorable conditions discharge (OTH), bad conduct discharge (BCD), and dishonorable discharge (DD). Individuals with honorable discharges and general discharges are eligible to receive medical care form the VA. OTH is considered a negative discharge characterization, resulting in the loss of veteran benefits. Along the same lines as OTH, BCD is also a negative discharge characterization and these individuals also do not receive benefits. However, service members will only be separated with this characterization as a punitive measure for a serious, proven offense from a military court-martial. DD characterization is rarely given to victims of military sexual violence because it often results in a prison sentence, and thus the act that relieves

the individual of their duty must be proven.

In order to operationalize retaliation with this question, discharge characterization will be measured with honorable and general considered positive separations and the rest being considered negative. This distinction is based on the eligibility of the individual to receive VA benefits and the ability to join the military again should they choose that path. For the following dependent variables, answers were either "Yes," "No," or "N/A). In order to consolidate the answers to "If you reported, how was it reported? (Restricted/Unrestricted/Both)," the data analysis will look at anonymous versus non-anonymous reporting based on this question.

Independent variables: There are six independent variables included in the analysis. These are branch of service, LGBTQ identity, race/ethnicity, if the assailant was in the victim's unit, if that assailant was in the victim's chain of command[1], and if the victim submitted a restricted or unrestricted report[2]. The answer categories are as follows: Army, Navy, Marine Corps, and Air Force for branch of service; yes, no, and prefer not to answer for LGBTQ identity; white, African American, and other for race/ethnicity; and no and yes for if the assailant was in the respondent's unit, in the respondent's chain of command, and for if the respondent submitted an anonymous report. These categories were taken from POD's intake questionnaire, which can be found in Appendix I.

Results

Table 1 breaks down the identity classification of LGBTQ. Of the 268-person final sample size, approximately 78% do not identify as LGBTQ and 13% do.

[1] i.e. a supervisor or boss.

[2] Restricted reporting submits an anonymous sexual assault account without prompting an official investigation. Unrestricting reporting is not confidential, but can help victims receive "medical treatment, counseling, legal assistance…and official investigation of the crime" (U.S. Army, 2019).

Approximately 9% preferred not to answer the question. There is a multitude of reasons why service members do not feel comfortable discussing their sexual orientations, the main being that *Don't Ask, Don't Tell* was repealed less than a decade ago. The discussion section will address *Don't Ask, Don't Tell* and its possible implications on LGBTQ identification.

Table 1. LGBTQ identification among military sexual assault survivors.

LGBTQ	n	Percentage
No	209	77.99%
Yes	35	13.06%
Prefer not to answer	24	8.96%
Total	268	100.00%

Table 2 shows the descriptive statistics for the sample population. Approximately 65% of the military sexual assault survivors surveyed perceived retaliation from reporting their assaults, and a similar number believe they faced negative or punitive administrative actions due to reporting as well. For every group of all six independent variables, the majority of servicemembers surveyed perceived retaliation and faced negative administrative actions. This trend is not consistent for negative discharge characterization, which will be examined in the discussion when exploring the merits of this dependent variable. For perceived retaliation and negative administrative actions, it is notable that the descriptive statistics for identifying as LGBTQ has the same breakdown (10 no, 25 yes) for both dependent variables, which suggests a correlation between the two variable that will be explored in the discussion.

Table 2. Characteristics of military sexual assault survivors by dependent variables.

	Perceived retaliation		Negative discharge characterization		Negative administrative actions		
	No	**Yes**	**No**	**Yes**	**No**	**Yes**	**Total**
	n = 95	n = 173	n = 232	n = 36	n = 92	n = 176	n = 268
	35.32%	64.68%	86.25%	13.75%	32.20%	67.80%	
Branch of Service							
Army	37	86	107	16	42	81	123
Navy	28	43	61	10	26	45	71
Marine Corps	14	14	19	9	5	23	28
Air Force	16	30	45	1	19	27	46
LGBTQ							
No	74	135	183	26	71	138	209
Yes	10	25	30	5	10	25	35
PNTA	11	13	19	5	11	13	24
Race/ethnicity							
White	61	107	150	18	61	107	168
African American	15	33	39	9	18	30	48
Other	19	33	43	9	13	39	52
Assailant in unit							
No	41	45	76	10	38	48	86
Yes	54	128	156	26	54	128	182
Assailant in chain of command							
No	54	78	117	15	50	82	132
Yes	41	95	115	21	42	94	136
Anonymous report							
No	65	133	177	25	71	131	198
Yes	23	47	55	11	21	45	70

A logistic regression was conducted for each dependent variable. Examining the independent variable relationships with perceived retaliation in Table 3. The odds of experiencing retaliation are lower for those in the Marine Corps compared to those who are in the Army. In addition, the odds of experiencing retaliation among those in the unit of their assailant are two times higher than those who are not in the same unit as their perpetrators.

Table 3. Logistic regression model predicting perceived retaliation (Odds ratio).

	Odds Ratio	Standard Error
Branch of Service		
Army	---	
Navy	0.68	0.32
Marine Corps	0.467†	0.44
Air Force	0.83	0.38
LGBTQ		
No	---	
Yes	1.18	0.42
Prefer not to answer	0.69	0.44
Race		
White	---	
Race	1.15	0.37
Other	0.97	0.34
In unit		
No	---	
Yes	1.954*	0.32
In chain of command		
No	---	
Yes	1.18	0.31
Anonymous Report		
No	---	
Yes	0.82	0.3
Intercept	1.40	0.31

† p > 0.1; *p > 0.5, **p > .01; ***p > .001
--- indicates a reference category

Table 4 shows the logistic regression model predicting a negative discharge status. The results suggest that those who are in Marines who have been sexually assaulted are almost 4 times more likely to receive a negative discharge characterization than those who have been sexually assaulted in the Army.

Table 4. Logistic regression model predicting negative discharge characterization (Odds ratio).

	Odds Ratio	Standard Error
Branch of Service		
Army	---	
Navy	1.13	0.44
Marine Corps	3.56**	0.51
Air Force	0.17†	1.05
LGBTQ		
No	---	
Yes	1.25	0.55
Prefer not to answer	1.59	0.57
Race		
White	---	
African American	2.13	0.48
Other	1.58	0.48
In unit		
No	---	
Yes	1.28	0.47
In chain of command		
No	---	
Yes	1.08	0.44
Anonymous Report		
No	---	
Yes	1.44	0.42
Intercept	0.07***	0.49

† p > 0.1; *p > 0.5, **p > .01; ***p > .001
--- indicates a reference category

Table 5 illustrates the logistic regression model predicting punitive or negative administrative action. The results show that sexual assault survivors of Marine Corps are less likely to face administrative action than those in the Army. In addition, military

sexual assault survivors are almost two times as likely to face punitive or negative administrative action if their assailant is in their unit.

Table 5. Logistic regression model predicting negative administrative action (odds ratio).

	Odds Ratio	Standard Error
Branch		
Army	---	
Navy	0.68	0.32
Marine Corps	0.46†	0.55
Air Force	0.83	0.37
LGBTQ		
No	---	
Yes	1.18	0.41
Prefer not to answer	0.69	0.45
Race		
White	---	
African American	1.15	0.36
Other	0.97	0.37
In unit		
No	---	
Yes	1.95*	0.32
In chain of command		
No	---	
Yes	1.18	0.31
Anonymous Report		
No	---	
Yes	0.82	0.31
Intercept	1.40	0.31

† p > 0.1; *p > 0.5, **p > .01; ***p > .001
- indicates a reference category

Discussion

The results suggest a few notable points of interest for predicting retaliation toward military sexual assault victims. First, the status of an assailant and victim in the same unit provides meaningful conclusions. Particularly, this characteristic was statistically significant for both the outcome of perceived retaliation as well as punitive or negative administrative action. There are a few possible reasons for this. First, servicemember victims or assailants are not often transferred after a sexual assault is reported, which means that the two individuals must still interact after the event of the assault, causing uncomfortable and often threatening situation for the victims including ostracism, insults, violence, and verbal threats of death by "friendly fire" or to "sleep light" (Human Rights Watch, 2014). The explanations behind the statistically significant relationship between in unit members and negative administrative action are more ambiguous. If the assailant was in the chain command, negative administrative actions and actions by commanding officers may make more sense. However, victims who had their assailants in unit may face significant punitive actions because of issues related to the assault such as excessive alcohol use, drug use, not being to keep up with the unit during runs or other training activities, as well as being late as a result of medical appointments or meetings with the investigative team (Human Rights Watch, 2014). The punitive actions against victims include "reduction in rank, forfeiture of pay, confinement, or diminished rations for set periods of time" and would remain on the victims' permanent records (Human Rights Watch, 2014).

When examining the outcomes in terms of branches of service, the Marine Corps stands out for all three dependent variables. Marine Corps membership predicts that a

victim has half the odds of experiencing retaliation or punitive actions after being assaulted, but Marines also have 3.5 times the odds of receiving a negative discharge status rather than Army servicemembers. Reasons behind these notable outcomes for Marines are unclear, as the Marine Corps has similar sexual assault report, investigation, and adjudication procedures as the Army, Navy, and Air Force. However, a year ago the Military Times reported that Marine Corps sexual assault reports increased from 15% from 2016 to 2017 while Army cases increased by 8.4%, Navy ones by 9.3%, and Air Force reports by 9.2% (Copp, 2018). The notable increase in Marine sexual assaults may have something to do with the statistically significant results found about retaliation and negative actions towards Marines, but the connection is unclear.

Perceived retaliation and negative administrative action may be better predictors of retaliation against military sexual assault survivors than discharge characterization. Some negative discharge statuses may have nothing to do with the assault reports. Unlike the question asking about negative administrative action that asks about this recourse in relation to the assaults, the survey question asking about discharge status does not ask if the respondent believes that it may be related to the assault.

Although originally hypothesized that servicemembers who identify as LGBTQ would face more retaliation than their non-LGBTQ counterparts, the study did not produce data to support this premise. However, the small sample size unquestionably has a significant impact on the results. Although the question of LGBTQ was only asked on the survey after "Don't Ask, Don't Tell" was repealed, it has been less than a decade since this occurred and thus servicemembers may still not be entirely comfortable with identifying as LGBTQ due to fear of judgement, teasing, or cruelty. This may have

contributed to the *prefer not to answer* response option as well as to the samples where a response was left blank, further prompting missing data but also concepts for future research.

Conclusion

The study aimed to answer the question of if identifying as LGBTQ – and other characteristics – may impact post-assault retaliation in the military. As discussed earlier, LGBTQ identity often does not align with patriarchal and heteronormative military culture. However, the results do not suggest that identifying as LGBTQ has an impact on the variables used to measure post-assault retaliation as originally hypothesized, but that other notable conclusions can be drawn from the data analysis. Firstly, the Marine Corps results differed significantly from those for service members in the other three branches examined. Secondly, the placement of an assailant and victim in the same unit and chain of command resulted in statistically significant outcomes both for perceived retaliation and negative administrative actions that service members face. These four different relationships illustrate the dramatic increases in retaliation when the assailants and victims work together. Policy recommendations regarding military sexual assault retaliation should thus consider the implications of forcing victims to work closely with their assailants as well as policies to ensure victims do not have to work with the perpetrators of their assaults. Further research can also examine the sociological theories behind these work relationships, as the statistically significant results do not relate to or have theoretical heteronormative implications.

Although this research found notable statistically significant results, there are two main limitations. First, the sample size was small. After removing missing data, the

sample size was approximately a quarter of the original one. Furthermore, the data was collected using a convenient sample. Every respondent was a military sexual assault survivor, which means that these were all individuals who reported and feel – at least somewhat – comfortable discussing their assaults. Thus, there is no data on the individuals who report their assaults but do not seek – or need – organizations such as Protect Our Defenders to assist in their casework nor on the individuals who do not report their assaults at all. In fact, the 2016 Annual Sexual Assault Prevention and Response report estimated that approximately 81% of military sexual assault victims do not come forward and submit a report (Department of Defense, 2017).

The above-mentioned limitations suggest areas for future research. As discussed earlier, a similar study could be replicated using a sample that consists of both victims of sexual assault and those who have not been assaulted. A question could also be added asking if the respondents believed reporting an assault contributed to a negative discharge status to further examine if discharge status is a fair measurement of retaliation. Furthermore, future research can examine the issue of why survivors of sexual assault – particularly in the military – do not feel comfortable disclosing details such as their sexual orientation or relation to perpetrator. Previous research has examined forms of retaliation in more detail, but future studies can look further into this by focusing on victims' concern about reporting. Lastly, the independent variables *assailant in chain-of-command* and *assailant in unit* appear to be highly correlated with each other. This poses questions for further research about who military perpetrators target, and why they choose these victims.

Protect Our Defenders

Legal Services Program

Protect Our Defenders Foundation has created a network of lawyers and POD staff willing to assist survivors of military sexual assault and sexual harassment – including service members, veterans, and U.S. civilians assaulted by members of the military -- and bystanders and whistleblowers who are suffering retaliation for intervening or reporting sexual assault or harassment, at no cost. Please fill out the form below to assist us in trying to provide such pro bono (free) legal counsel or casework assistance for you.

Due to the volume of requests, we cannot guarantee that everyone will be afforded legal counsel. As resources allow, casework assistance may be provided by POD staff where legal counsel is not appropriate or available.

In addition, please understand that if you are referred to a pro bono lawyer, that attorney will discuss the precise terms of the legal representation and will have you sign a document describing your legal relationship.

Until such time as that occurs, you should continue to pursue alternatives, particularly if your legal needs are urgent. Please provide as full and complete information as possible. An asterisk indicates a required field.

Application for Legal Services Program
Please fill in this form COMPLETELY.

When completing the Legal Services Program Application, please be sure to use Mozilla Firefox or Google Chrome. Using these browsers will ensure a successful application submission as Microsoft no longer provides security updates or technical support for older versions on Internet Explorer. Without security updates, user systems become vulnerable to malware.

If you do not have **Mozilla or Google Chrome**, please contact intake@protectourdefenders.com.

First Name:	* Required
Middle Name:	
Last Name:	* Required
Email:	* Required
City:	* Required
State:	* Required
Current Zip Code:	* Required
Permanent Zip Code	* Required
Cell Phone:	* Required
Gender:	Select Value * Required
Where did you hear about the Pro Bono Network?	* Required
Are you currently active duty?	Select Value * Required
Branch of Service - If you were a civilian at the time of the assault, please write "civilian."	* Required
Current or last Rank/Rate	* Required

This inquiry pertains to (check all that apply):

- Sexual assault or rape
- Sexual harassment

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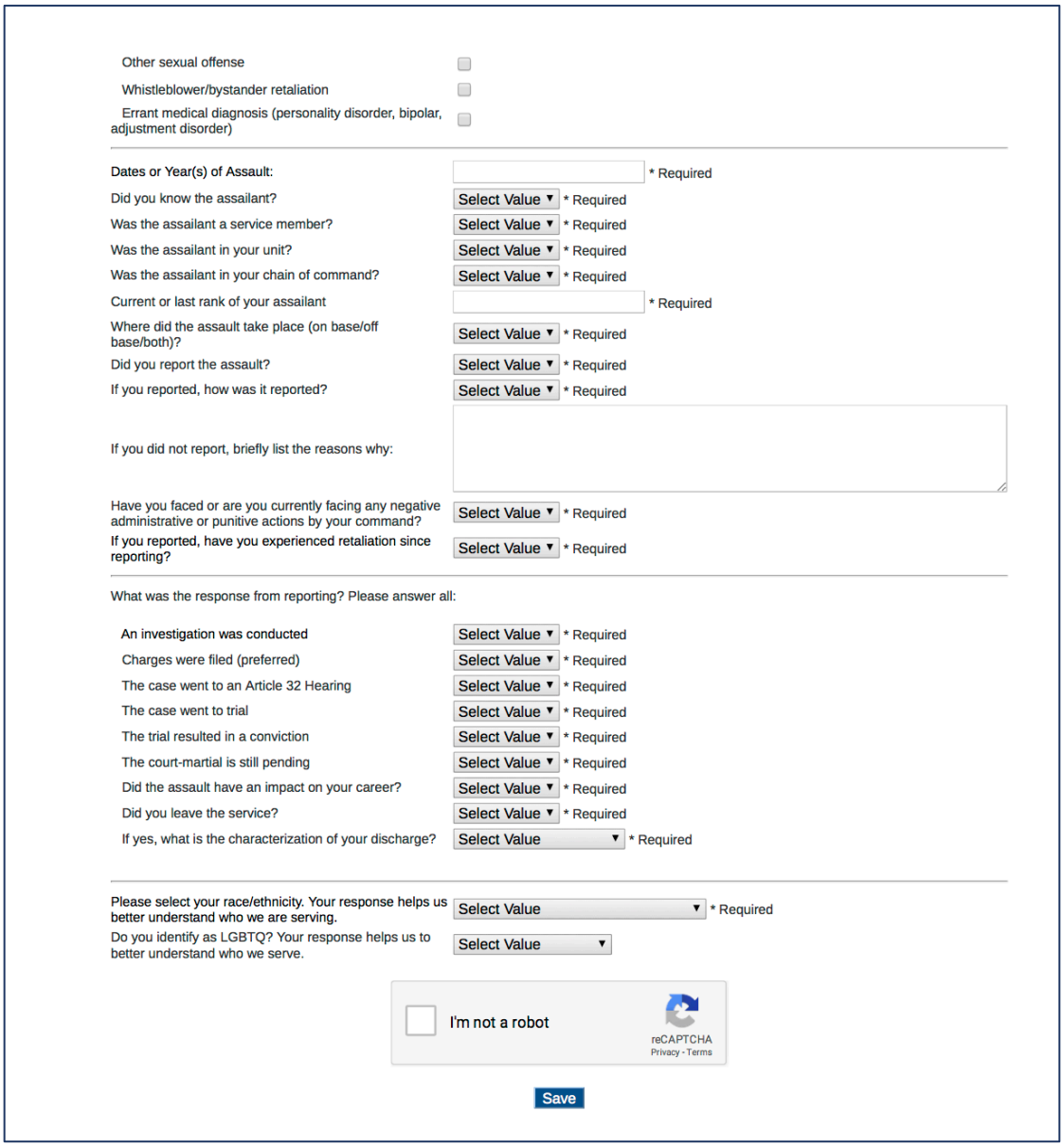
(Protect Our Defenders, 2018)



POD Intake Survey, Page 2

(Protect Our Defenders, 2018)

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