

Defense Advisory Committee on Women in the Services (DACOWITS)' Request for Information (RFI) for June 2018

Office of Diversity Management and
Equal Opportunity (ODMEO)

Mr. Clarence Johnson, Director



PERSONNEL AND READINESS



DACOWITS RFI #4a. Information regarding updates to the definitions for gender discrimination and **sexual harassment, per the release of DoDI 1020.03 in February 2018.**

- On February 8, 2018, the Department published the Department of Defense Instruction (DoDI) 1020.03, “Harassment Prevention and Response in the Armed Forces.”
- DoDI 1020.03 defines sexual harassment as:
 - Conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;
 - Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive environment; and
 - Conduct that is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.



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- 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.
- Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense.
- Section 548 of the National Defense Authorization Act for Fiscal Year (FY) 2017 changed the sexual harassment definition by removing sexual harassment as a basis for sex discrimination and changing “work environment” to “environment.” Title 10, United States Code, section 1561, now defines “sexual harassment” as a form of harassment that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.



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- The Department is currently updating DoDD 1350.2, which covers unlawful discrimination in the Military Services. The new policy will differentiate sex and gender as it will define sex as “the biological distinction between males and females” and gender as “the social differences between males and females.”
- DoDD 1350.2 defines sexual harassment as: “A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
 - Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.”

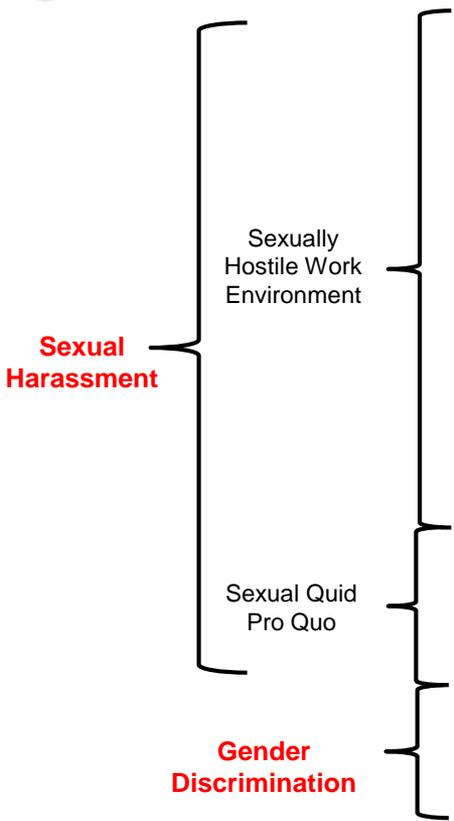


Sex-Based MEO Violation Prevalence Rates

Definition of Sex-Based MEO Violations

- **Sex-Based MEO Violations are broken down into two categories:**
 - **Sexual Harassment** includes individuals who indicated “yes” to any of the items assessing Sexually Hostile Work Environment or items that assess Sexual Quid Pro Quo behaviors.
 - **Gender Discrimination** includes individuals who indicated “yes” to either of the items that assess discriminatory behaviors.

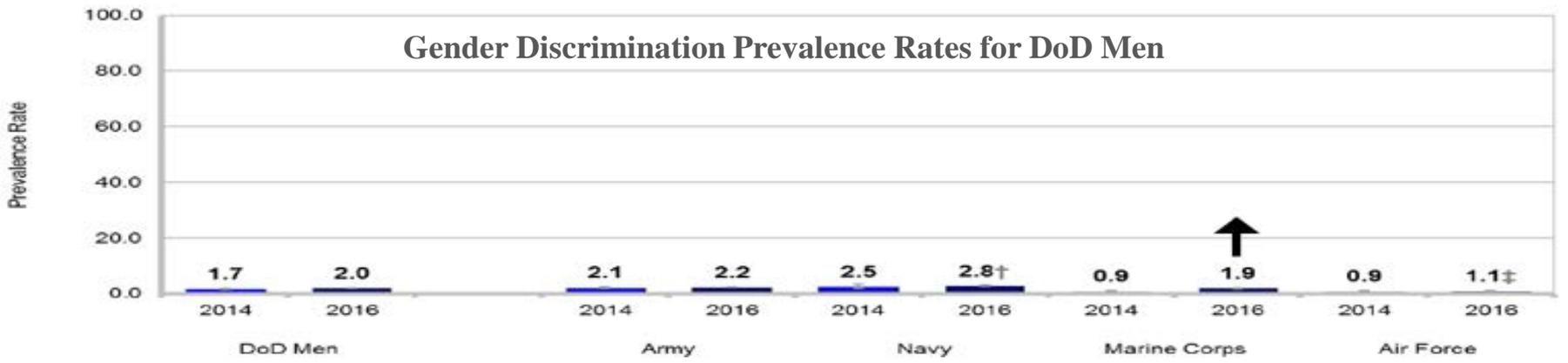
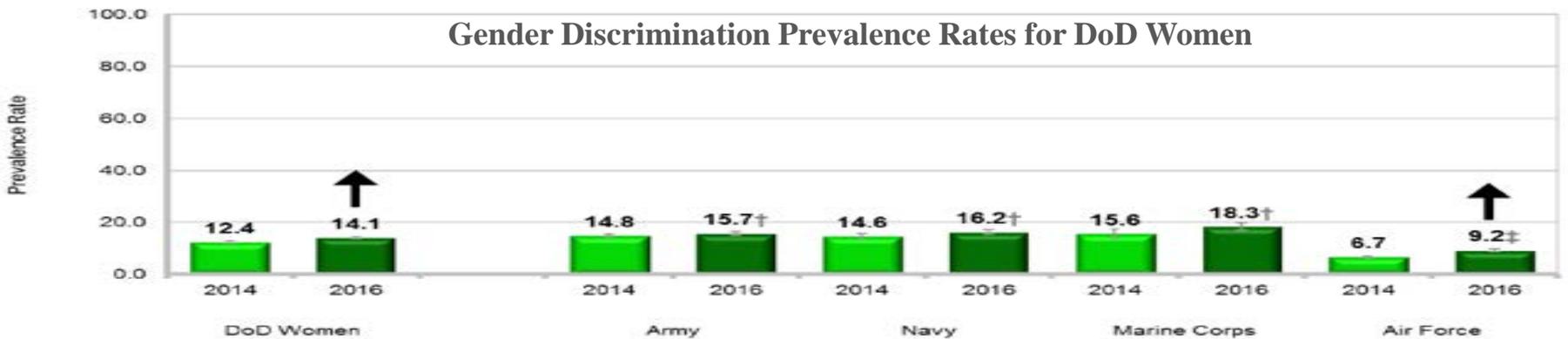
- 1 First, we ask questions about whether members experienced MEO offensive behaviors by someone from work and the circumstances of those experiences. MEO offenses refers to a range of **Sex-Based MEO Violations** specified by DoDD 1350.2 and includes experiences of sexual harassment (sexually hostile work environment or sexual quid pro quo) and/or gender discriminatory behaviors by someone from their work.
- 2 Second, the member also had to indicate “yes” to one of the follow-up items to align with legal criteria for the DoD to take action.



1 Experienced at least one sex-based behavior		2 Met the legal criteria
Sexual Harassment	Sexually Hostile Work Environment <ul style="list-style-type: none"> > Repeatedly told sexual “jokes” that made you uncomfortable, angry, or upset > Embarrassed, angered, or upset you by repeatedly suggesting that you do not act like a [man][woman] is supposed to > Repeatedly made sexual gestures or sexual body movements that made you uncomfortable, angry, or upset > Displayed, showed, or sent sexually explicit materials like pictures or videos that made you uncomfortable, angry, or upset > Repeatedly asked you questions about your sex life or sexual interests that made you uncomfortable, angry, or upset > Repeatedly told you about their sexual activities in a way that made you uncomfortable, angry, or upset > Made repeated sexual comments about your appearance or body that made you uncomfortable, angry, or upset > Took or shared sexually suggestive pictures or videos of you when you did not want them to that made you uncomfortable, angry, or upset* > Made repeated attempts to establish an unwanted romantic or sexual relationship with you that made you uncomfortable, angry, or upset > Intentionally touched you in a sexual way when you did not want them to** <ul style="list-style-type: none"> > Repeatedly touched you in any other way that made you uncomfortable, angry, or upset 	<ul style="list-style-type: none"> > They continued this unwanted behavior even after they knew that you or someone else wanted them to stop > This was severe enough that most Service members would have been offended
	Sexual Quid Pro Quo <ul style="list-style-type: none"> > Made you feel as if you would get some workplace benefit in exchange for doing something sexual > Made you feel like you would get punished or treated unfairly in the workplace if you did not do something sexual 	<ul style="list-style-type: none"> > They told you that they would give you a reward or benefit for doing something sexual > They hinted that you would get a reward or benefit for doing something sexual > Someone else told you they got benefits from this person by doing sexual things
	Gender Discrimination <ul style="list-style-type: none"> > Said that [men][women] are not as good as [women][men] at your particular job, or that [men][women] should be prevented from having your job > Mistreated, ignored, excluded, or insulted you because you are a [man][woman] 	<ul style="list-style-type: none"> > Their beliefs about men/women harmed or limited your job/career > This treatment harmed or limited your job/career



DACOWITS RFI #4b. Data on incidences of **gender discrimination** and sexual harassment, to include statistics and trends over the last five years. Provide bar graphs or charts that includes data by Service, and within a Service by officer and enlisted ranks.



Margin of error range from ± 0.4% to ± 1.9% of active duty women
 Margin of error range from ± 0.2% to ± 0.8% of active duty men

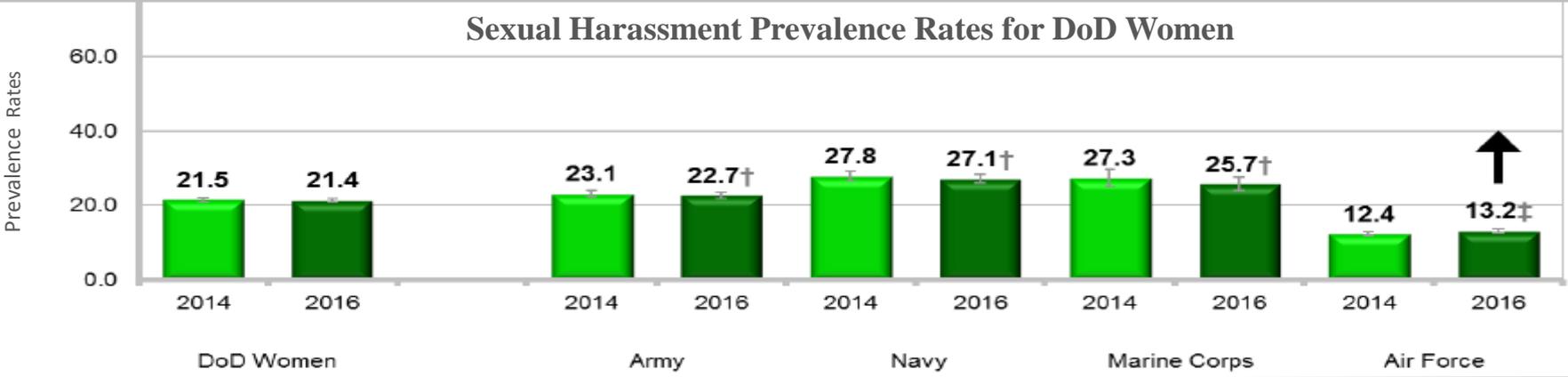
2016 Trend Comparison
 ↑ Higher Than 2014
 ↓ Lower Than 2014

Within Service Comparison
 † Higher Response
 ± Lower Response

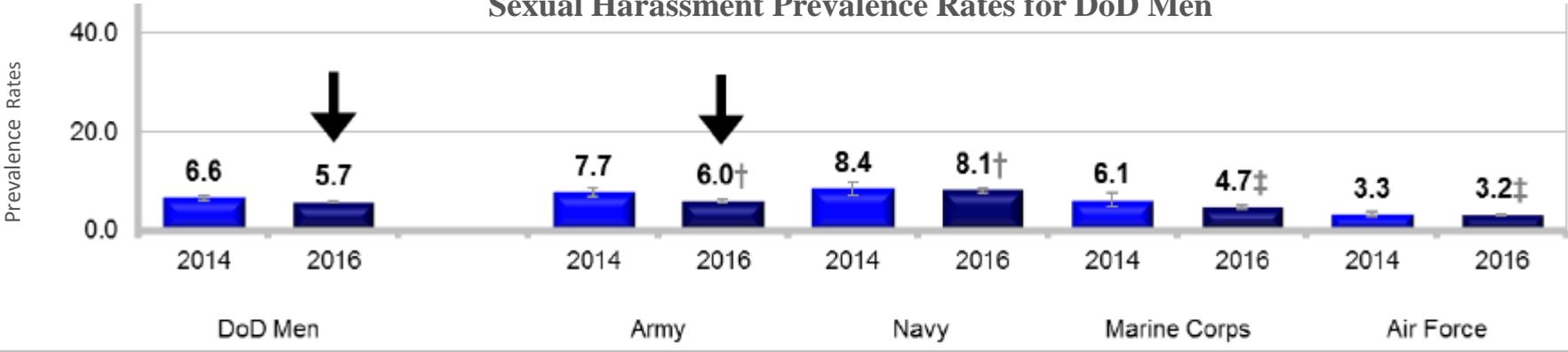


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Sexual Harassment Prevalence Rates for DoD Women



Sexual Harassment Prevalence Rates for DoD Men



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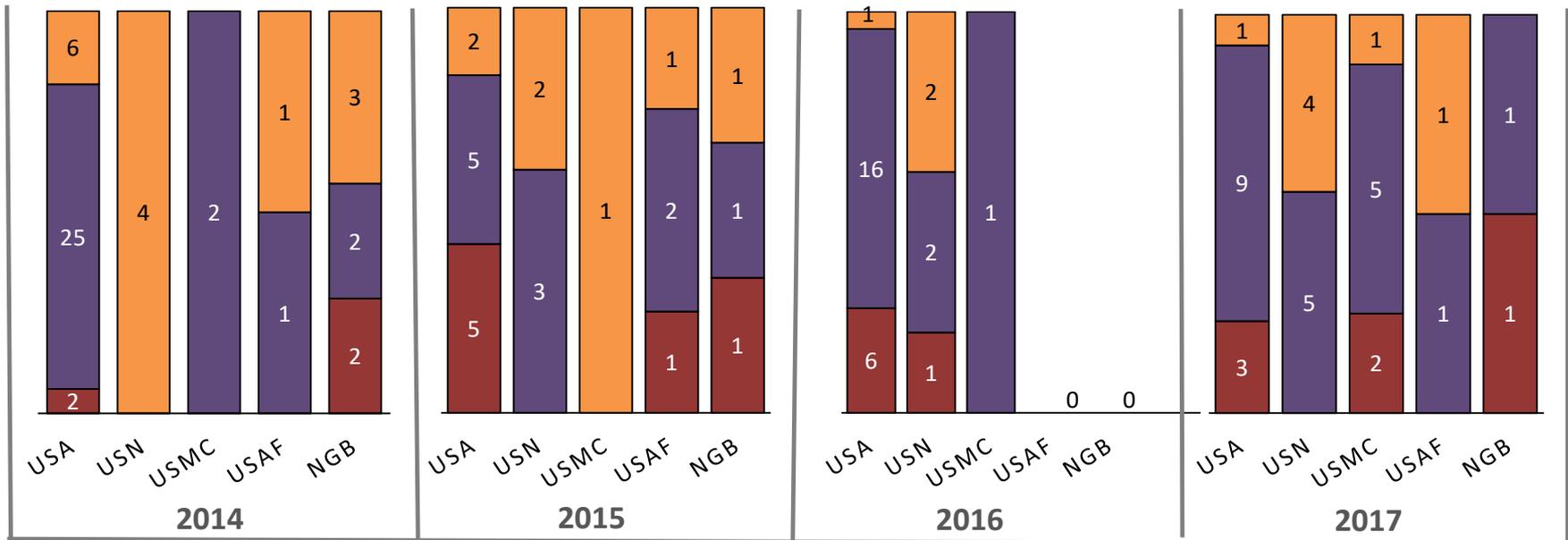
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↑ Higher Than 2014
↓ Lower Than 2014
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‡ Lower Response



DoD Formal Reports of Substantiated Sexual Harassments Complaints FY2014 – FY2017

DOD SEXUAL HARASSMENT COMPLAINTS
OFFENDER DEMOGRAPHICS: COMMISSIONED AND WARRANT OFFICERS

■ W1-W5 ■ O1-O3 ■ O4-O6 ■ O7-O10

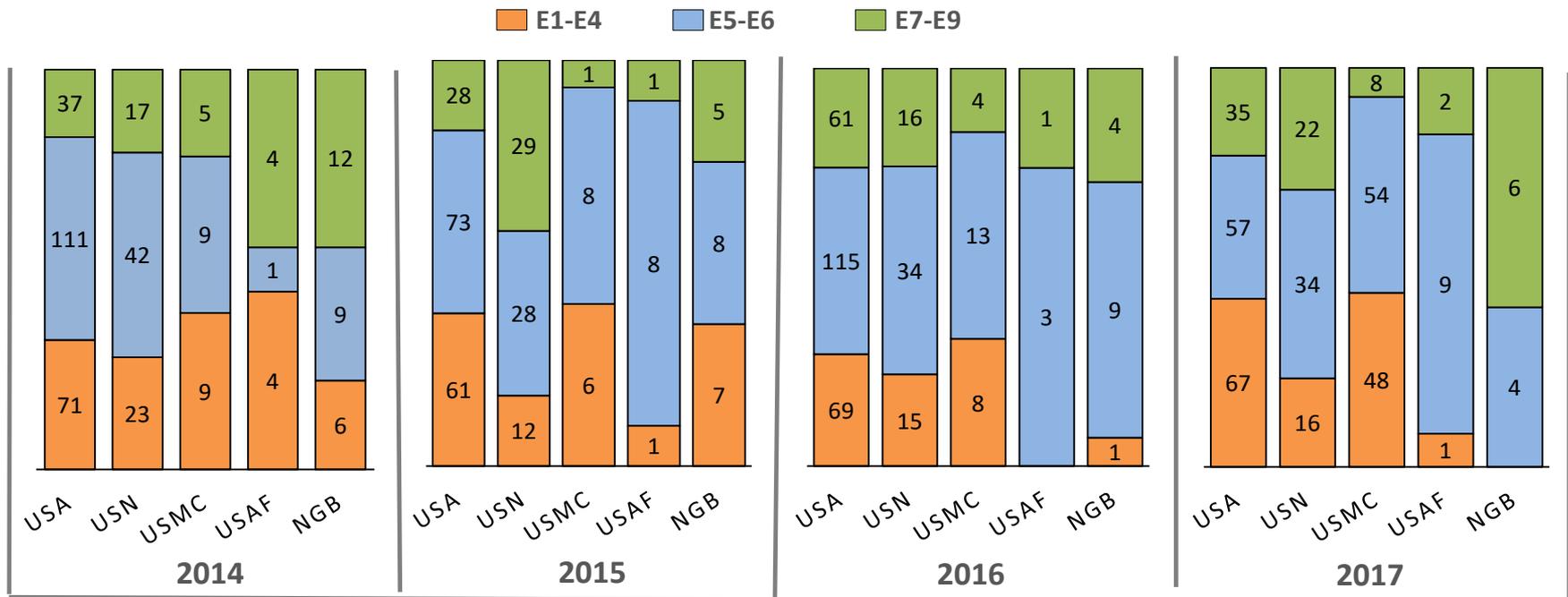


- FY2014 – FY2017 commissioned officers in grades O1-O3 are among the largest group of offenders within the officer ranks.
- Source: DoD Sexual Harassment Data Collection.



DoD Formal Reports of Substantiated Sexual Harassments Complaints FY2014 – FY2017

DOD SEXUAL HARASSMENT COMPLAINTS
OFFENDER DEMOGRAPHICS: ENLISTED MEMBERS



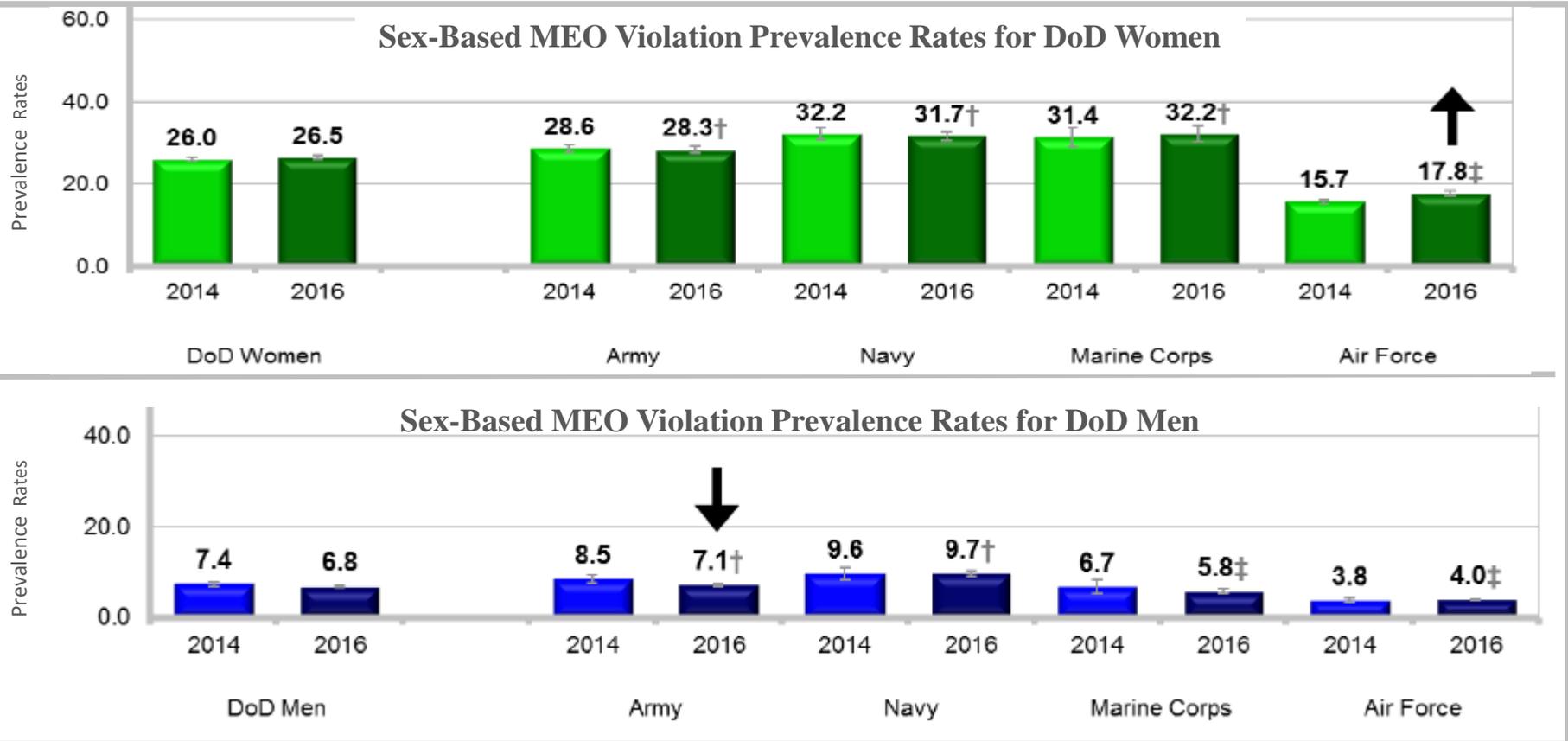
- For FY2014-FY2017, noncommissioned officers in grades E5-E6 remained the largest group of offenders
- Source: DoD Sexual Harassment Data Collection.



Back Up



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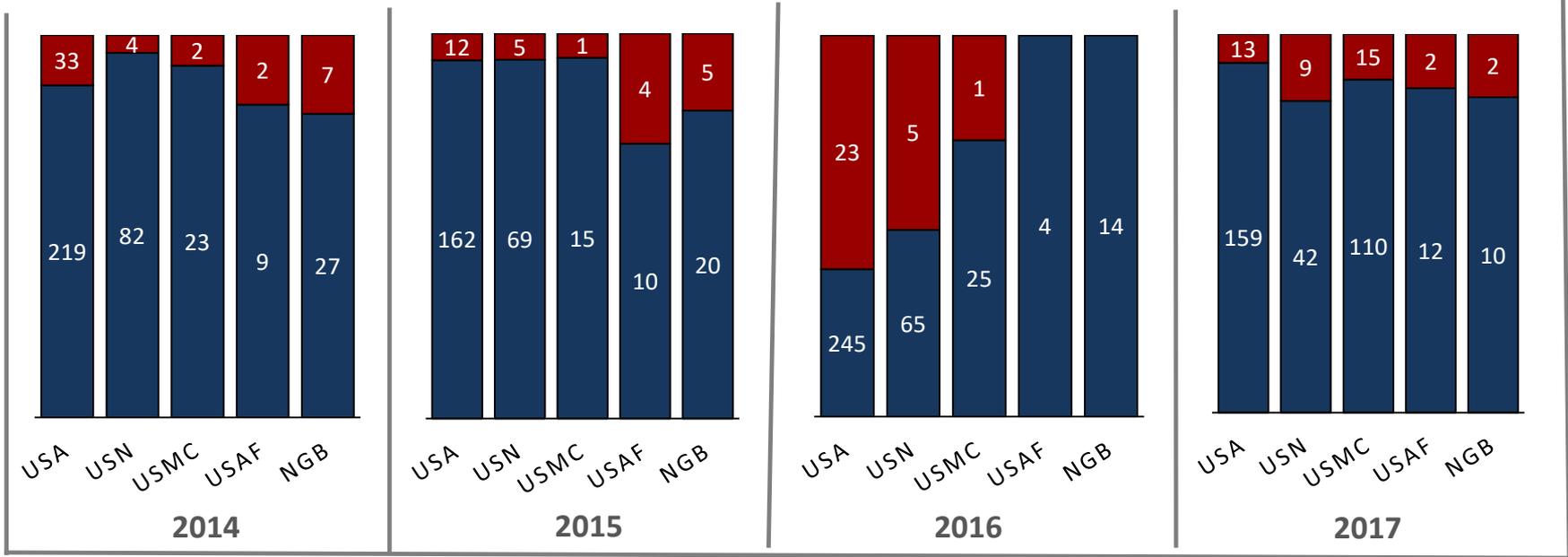
Source: 2016 Workplace and Gender Relations Survey of Active Duty Members
 2014 RAND Military Workplace Study



DoD Formal Reports of Substantiated Sexual Harassments Complaints FY2014 – FY2017

DOD SEXUAL HARASSMENT COMPLAINTS - OFFENDER DEMOGRAPHICS

■ OFFICER ■ ENLISTED

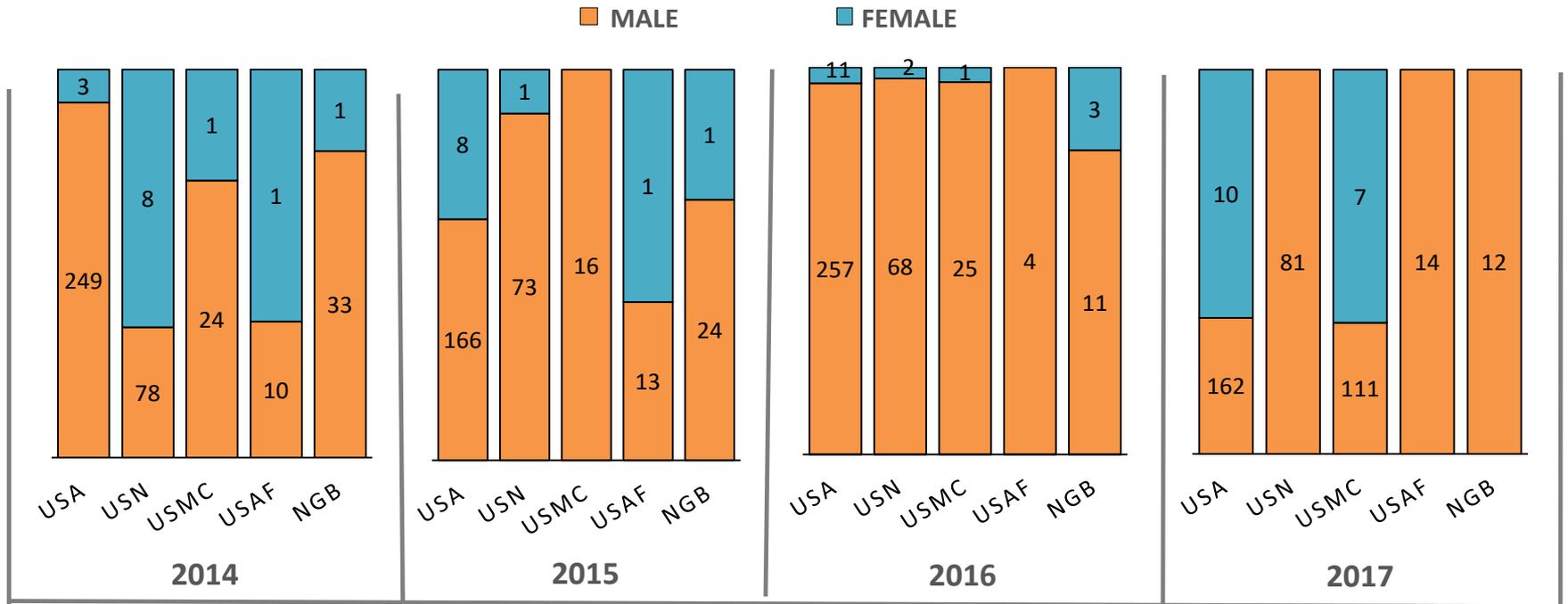


- FY2014 – FY2017 complaint data encompasses substantiated sexual harassment complaints only.
- Source: DoD Sexual Harassment Data Collection.



DoD Formal Reports of Substantiated Sexual Harassments Complaints FY2014 – FY2017

DOD SEXUAL HARASSMENT COMPLAINTS OFFENDER DEMOGRAPHICS: GENDER



- Females have consistently represent less than one percent of all sexual harassment offenders for FY2014-FY2017.
- Source: DoD Sexual Harassment Data Collection



Questions?