

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Quarterly Meeting Minutes

11-12 December 2012

The Defense Advisory Committee on Women in the Services (DACOWITS) held a full committee meeting on December 11th and 12th, 2012. The meeting was held at the Embassy Suites Hotel-Crystal City, 1300 Jefferson Davis Highway, Arlington, VA, 22202.

11 December 2012

Opening Comments

The Designated Federal Officer and DACOWITS Military Director, COL Betty Yarbrough, opened the meeting and introduced Ms. Holly Hemphill, DACOWITS Chair. Ms. Hemphill briefly reviewed the Committee's work in 2012 and previewed the meeting agenda. At Ms. Hemphill's request, all meeting attendees introduced themselves. The meeting agenda is located in Tab A.¹

COL Yarbrough reviewed the status of the Committee's Requests for Information (RFIs) that would not be addressed during the meeting. The Assignments Working Group had requested briefings from the Marine Corps related to the frequency of involuntary assignments to infantry and the status of positions closed to women on the sole basis of physical requirements. The Marine Corps declined to address these RFIs because they are currently working on responding to the Women in the Services Review (WISR). The Marine Corps anticipates briefing the Committee on this issue during the March business meeting. The Army also declined to update the Committee on the status of their efforts on validating their physical standards because of WISR. However, the Army also anticipates being able to brief the Committee on this issue during the March meeting.

Legislative Proposal for Expansion of Reproductive Health Care for Women

MG (Ret) Gale Pollock, DACOWITS Member

MG (Ret) Gale S. Pollock briefed the Committee on the restrictions in current law on abortion coverage for military women and female dependents of military men and women. Briefing slides can be found at TAB C. MG (Ret) Pollock explained that under federal law, health care coverage for abortions for military women and female military dependents is available only if the life of the pregnant woman is endangered. Section 1093(a), title 10 of the United States Code provides: "Restriction on Use of Funds. – Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." This means that military women and female military dependents do not have

¹ All TABs referenced in this document refer to materials enclosed in the binder entitled *DACOWITS Business Meeting 11-12 December 2012*, which was distributed to the Committee and posted on the DACOWITS website.

health care coverage for abortion care in any other circumstances, including in the case of rape or incest.

There are legal limitations on abortion coverage in other federal health insurance programs as well. However, in contrast to the coverage provided for military women and female military dependents, these programs cover abortions in the case of rape or incest as well as when the life of the woman is endangered. Examples of federal programs with rape and incest abortion coverage include the Federal Employees Health Benefits Program, Medicaid, Medicare, Indian Health Service, and District of Columbia-funded health insurance programs. MG (Ret) Pollock said that the result of this disparate treatment is that military women and female military dependents receive less health care coverage than other federal health insurance program beneficiaries whose pregnancies are the result of rape or incest; military women and female military dependents must pay personally, out-of-pocket, for their abortions when pregnancy results from rape or incest; junior enlisted women may be especially affected because they have some of the highest incidence rates of rape and are less likely to be able to pay for their own abortion care; and there is a negative impact on military readiness and an undermining of the fundamental principle that the United States takes care of its troops. In addition, a recent poll shows that a vast majority of Americans (68 percent of respondents) oppose DoD's failure to cover abortions in the case of rape or incest.

Pending legislation offered by Senator Jeanne Shaheen as part of the National Defense Authorization Act for FY 2013 (FY2013 NDAA) authorizes DoD to pay for abortion coverage in the case of rape or incest, in addition to life endangerment. Thus far, the Senate Armed Services Committee has adopted the Shaheen amendment by a bi-partisan vote (16-10) as part of its version of FY 2013 NDAA and the full Senate passed the bill, S.3254, by a vote of 98-0. However, the House-passed version of FY 2013 NDAA does not include any change in abortion coverage. The Senate and House of Representatives must reconcile the differences in their two bills.

The Department of Defense has previously shown support for adding coverage for abortion in the case of rape or incest and the Administration has expressed its support for the Senate's NDAA provision. But because this is a critical time for securing passage of this important provision, MG (Ret) Pollock advocated strong, concerted action on the part of DoD to secure the necessary legislative changes. Accordingly, she recommended that DACOWITS urge DoD to affirmatively, strongly and immediately press for passage of legislation to provide DoD funding of abortion coverage for pregnancies that are the result of rape or incest.

- Several Committee members expressed support for adding a recommendation covering this topic to the 2012 report. Due to the time-sensitive nature of this issue, Committee members expressed a desire to send a letter to Secretary of Defense Panetta to let him know of the Committee's support for this issue before the 2012 report is presented to him early next year. Ms. Hemphill, Committee Chair, agreed to work with the DACOWITS staff to get a letter drafted and sent immediately.

Committee Recommendation on Reproductive Health Care Coverage for Military Women

Ms. Holly Hemphill, DACOWITS Chair

Following the briefing and discussion on reproductive health care coverage for military women, the Committee decided to include a recommendation on the topic in its 2012 report:

Recommendation: DoD should affirmatively, strongly and immediately press for passage of legislation, such as the provision offered by Senator Jeanne Shaheen, to provide for DoD funding of abortion coverage in the case of rape or incest.

Voting: The Committee voted to adopt this recommendation unanimously (11 votes in support).

The Committee also identified the following as a continuing concern:

Continuing Concern: Expanding the availability of reproductive health care in the military.

Voting: The Committee voted to adopt this continuing concern unanimously (11 votes in support).

DoD Update on Sexual Assault Prevention and Response Strategy

MG Gary Patton, Director, SAPRO

Ms. Hemphill introduced this briefing recalling the following background: In April and May of 2012, Secretary Panetta and Chairman of the Joint Chiefs of Staff Dempsey announced important sexual assault initiatives. While many of the points from these initiatives are a step forward in addressing sexual assault in the military, the Committee continues to have questions about their implementation even following briefings from SAPRO. Ms. Hemphill met with the new SAPRO Director, MG Gary Patton, in September to discuss the Committee's remaining concerns. As a follow-on to that discussion, she invited MG Patton to address the Committee's questions.

MG Patton's briefing slides can be found at TAB D. He explained that many of the initiatives are still a work in progress and that he is the primary person in charge of implementing the initiatives. SAPRO is developing a DoD-wide strategy document consistent with the initiatives to translate written guidance into action. The document has been drafted and distributed to the Services for feedback and coordination. MG Patton will get back to the Committee on a timeline for the release and implementation of the strategy document.

With respect to the Military Criminal Investigative Organizations (MCIOs), MG Patton reported that each Service has its own MCIO with a consolidated headquarters at Quantico. Each Service headquarters and the DoD Inspector General (IG) have direct oversight for their respective MCIOs. All alleged sexual assault offenses are investigated independently by the Service MCIOs, outside of the chain of command. In 2011, a Violent Crimes Division was established by DoD IG to review criminal investigations, including a sampling of closed cases. The results of this review have not yet been released. An MCIO council is currently under development, to consist of the DoD IG and the MCIO Commanders.

MG Patton explained that restricted reports are confidential but allow the victims access to needed services; unrestricted reports are disseminated to a larger number of individuals and allow for law enforcement to become involved. Since restricted reporting was introduced in 2005, 25 percent of reports have been restricted and 75 percent have been unrestricted. SAPRO's goal is to gain victim's trust in the system, demonstrated by an increase in reporting. To determine this, SAPRO uses results from the Workplace and Gender Relations Survey and compares unwanted sexual contact rates to the number of reported sexual assaults. Based on this

comparison, SAPRO estimates that only 14 percent of cases were actually reported last year. This percentage is expected to increase if the new initiatives are effective.

When asked his opinion on the Committee's recommendation to report the results of Command Climate Assessments to the next higher level of command, MG Patton indicated that he supports this recommendation. The current command assessments include seven sexual assault-related questions, and SAPRO is monitoring the results of these assessments as a measure of the new commander training effectiveness. A policy update to require dissemination to senior commanders is being considered.

The DoD policy elevating disposition authority to commanders at grade O-6 and above applies only to certain sexual offenses. Regarding the omission of some sexual offenses from the change in initial disposition authority, MG Patton said that he was not part of SAPRO when the decision was made. He believes the policy was designed to convey the seriousness of the offenses without overburdening the senior commanders.

MG Patton also informed the Committee of upcoming events. The Military Service Academy Report on Sexual Harassment and Violence is to be released in December 2012. SAPRO has been called to testify in January for the US Commission on Civil Rights. In February, reports are due to the Secretary of Defense assessing sexual assault in initial military training. The DoD Annual Report on Sexual Assault in the Military will be released in April.

Air Force Update on Commander Directed Investigation at Lackland Air Force Base

Col Andrew Cain, Vice Commander, 2nd Air Force

By way of introduction, the Committee has been following the sexual assault allegations at Lackland Air Force Base and the ensuing investigations. The Committee has requested updates on the investigation for the past two meetings but could not receive them due to the ongoing nature of the investigations. Now that the report from the investigation has been released, the Committee welcomed Col Andrew Cain, Vice Commander for the 2nd Air Force, for a brief on the investigation. Col Cain's command includes the training wings. His briefing can be found at TAB E.

According to Col Cain, the investigative team, involving 91 primary investigative and 231 support personnel, conducted over 4,885 interviews and has an estimated 4,556 interviews remaining. To date, 54 victims/potential victims have been identified, including 24 victims from basic military training (BMT), 29 technical training (TT) students, and 1 post TT graduate.² Thirteen potential sexual assaults have been identified, six of which are associated with SSgt Walker. In addition, the investigation has identified 30 unprofessional relationships with contact and 11 unprofessional relationships without contact (meaning that there was an electronic means of contact to establish a relationship, such as Facebook or Twitter).³ All 54 victims have been offered the full range of support services. Overall, 28 perpetrators and alleged perpetrators have been identified. Five have been convicted by court martial, and seven cases are pending. Additional alleged perpetrators are likely to be identified.

² Victims were defined as any basic military training or technical training student with whom an instructor committed sexual assault or engaged in an unprofessional relationship of a sexual nature, regardless of consent.

³ Unprofessional relationships were defined as a personal, sexual, or intimate relationship between a military training instructor and a trainee or TT student in violation of Air Education and Training Command policy.

The Commander Directed Investigation (CDI) produced 22 findings and 46 recommendations. The findings and recommendations focus on five major areas: leadership; military training instructor (MTI) selection and manning; MTI training and development; reporting and detection; and policy and guidance. Planned corrective action includes a focus on strengthening leadership, strengthening institutional safeguards, and revitalizing the MTI culture of self-policing. A number of the recommendations have already been implemented.

A Recruiting and Training Oversight Council has been created to review effectiveness of initiatives. Currently, the AETC Commander, General Rice, is receiving weekly updates on the progress to address the recommendations. A recommended Tri-Service Accession Council has yet to be established, but it will allow the Army, Navy, and Air Force to coordinate on training issues and provide an opportunity to interact with OSD.

The following are points from the question-and-comment period after the briefing:

- Col Cain said that General Rice has decided not to pursue gender-segregated training. However, with female flights (dormitories), one of the two MTIs assigned will be a female. Flights (dormitories) are not integrated; training is integrated.
- The Committee asked how the Air Force plans to address the shortage of instructors while increasing the number of MTIs assigned to BMT and their qualifications. During the Committee's 2012 focus groups at Lackland, participants indicated that there was a shortage of instructors. Col Cain was unable to answer this question but indicated that all options are on the table; he was confident that they will get the numbers they need,
- Col Cain explained the Air Force "wingman policy" requiring a two-person team. Some young Airmen come from very disparate backgrounds and might not have been taught about taking care of each other. The wingman policy can help with underage drinking as well as sexual assault. The Army representative reported that the Army has had this policy for years. Col Cain also noted that the first reports of the sexual abuse at Lackland came from other Airmen.
- A Committee member expressed concern that while there is a general focus on leadership, accountability and evaluation of these problems seems to be missing. Leaders should feel they will be held accountable for these problems. When asked if any officers were relieved of duty following the investigation, Col Cain said that this information is not public yet. He recommended that the Committee go through formal channels to get an answer to that question.
- When asked if the investigation included examining whether the perpetrators' history supported their selection as MTIs, Col Cain reported that Air Force lawyers have investigated this but that the lawyers would have to provide that information. Col Cain said that as a result of the information gathered during the investigation, the process for selecting MTIs is changing.

Comments from Mr. Daniel B. Ginsberg, Assistant Secretary of the Air Force for Manpower and Reserve Affairs

Mr. Ginsberg reinforced the Air Force's dedication to addressing many of the same issues that DACOWITS is examining. The Air Force aims to get the very best people and ensure that every Airman feels a sense of safety and commitment. He reported that the situation at Lackland went

against everything the Air Force stands for. In addition to prioritizing their investigation of Lackland, the Air Force is also examining the issue of sexual assault on a Service-wide basis. The new Chief of Staff of the Air Force, Gen Mark Welsh, had a call with every wing commander about how to get every Airman to understand the issue and know their responsibility for prevention and response. The Air Force is making sure the resources and manpower are in place for improving Lackland and other accession sources. The Air Force is also participating in the Secretary of Defense's review of WISR, although 98 percent of career areas, and 99 percent of positions, are currently open to women in the Air Force. Despite this, they are looking at career areas to make sure the positions are as open as they can be. The few positions currently closed to women in the Air Force are generally those in which the Air Force works with other Services "outside the wire." The Air Force is open to allowing women in these positions if the other Services decide to open them up to women as well. The Air Force is also focused on improving the diversity of the force through recruiting, training and retaining the best people. The Air Force is working to understand the barriers preventing the best Airmen from staying in the Service. Mr. Ginsberg informed the Committee that the Air Force will support DACOWITS and answer any questions the Committee has, including information related to Lackland. He also reported that the Air Force now has their first woman commander of a fighter wing, Col Jeannie Leavitt.

12 December 2012

2012 Report Review and Approval

Ms. Nancy Duff Campbell, DACOWITS Member

Ms. Campbell summarized the 2012 DACOWITS Report. The draft report can be found in TAB G. Ms. Campbell explained that the Committee had divided its work into issues relating to Wellness and Assignments and the report is structured to reflect that division. The Committee gathered both primary and secondary sources of information, including briefings from military representatives and subject matter experts; data from focus groups and surveys of military personnel at installations; and literature reviews, other survey data and available research and resources. The Committee discussed and approved its recommendations at its meeting in September. An additional Wellness recommendation on reproductive health care coverage for military women and female family members was approved on 11 December.

Ms. Campbell read the 2012 recommendations and summarized the reasoning behind each. In addition to the recommendations, the Committee identified several issues of continuing concern. The recommendations and continuing concerns, as well as the Committee's research and reasoning behind each recommendation, can be found in the full 2012 report.

Ms. Hemphill opened the meeting to comment on the 2012 report.

- Dr. Irene Trowell-Harris of VA voiced support for the recommendation on oversight, collection and dissemination of health studies and research.
- A Committee member stated she felt the recommendation on equipment and gear properly fitted to women's bodies is particularly important and that the Committee should continue to follow these developments.

- The Committee briefly discussed the meaning of gender-neutral physical standards for military jobs. As stated in the report, these standards are those applied to any candidate (male or female), which have been validated to accurately predict performance of actual regular and recurring duties.

The Committee voted unanimously in favor of approving the draft report, including the amendments discussed by the Committee during the December 11 administrative session (11 votes in support).

Public Comments on Possible DACOWITS Study Topics for 2013

Ms. Hemphill invited military representatives to present thoughts on possible topics for DACOWITS to examine in 2013. An Army representative suggested that the Committee not visit the Army women training for combat MOS's, stating that outside visits may place undue pressure on both men and women. The Reserve Affairs representative suggested the Committee consider the issues for the active duty component of the Reserves and emphasized the importance of this group in terms of a higher concentration of Service women. In addition, the representative for Reserve Affairs recommended that Committee members consider visiting women in Iraq and Afghanistan. The Committee agreed this would be important and thought it might be possible to at least arrange for video conferencing with deployed Service women. A representative from the Navy Office of Women's Policy encouraged the Committee to look at the high numbers of unintended pregnancies within the Navy as well as in other Services.

Public Comment Period

The Committee received no formal public comments.

2013 Study Topics Presentation and Discussion/2013 Installation Visit Discussion

Vice Chair BG (Ret) Maureen LeBoeuf presented possible 2013 study topics for the Assignments Working Group.

- Accessions of Service women in the military. More positions are being opened to Service women and the Working Group is interested in learning how the Services are bringing women into the military, beginning with accessions into the officer corps. The Working Group is interested in visiting the academies to learn more about this topic. This is a large topic area, which may spread over more than one year.
- Development and validation of gender-neutral physical standards. The Marine Corps released a change to their physical fitness standards for women to replace the flex-arm hang with pull-ups by January 2014. The minimum standard to pass for both men and women is three. The Working Group would like to follow this and possibly go to Quantico or Paris Island to learn more. Additionally, the Army is working on the development of gender-neutral occupational standards and the Committee is interested in the methodology used to develop these standards and the identification of the tasks as they relate to the specific MOSs.

BG (Ret) LeBoeuf observed that a group of women in the Navy recently received "dolphins" for qualifying in submarine service and that it would be best to wait a year for a visit to examine how this integration is going. On site investigation of women in combat roles may also need to be pushed to 2014 in order to provide women time to train.

An Air Force representative encouraged the Committee to inquire about mentoring in their investigating progress of Service women who are first to integrate into previously closed MOSs. RADM (Ret) Elizabeth Morris presented some possible 2013 study topics for the Wellness Working Group.

- Availability of reproductive health care. RADM (Ret) Morris recalled that expanding reproductive care is a continuing concern from the 2012 report. She also noted that unintended pregnancies could be a matter for particular investigation.
- Sexual assault and sexual harassment in the military. The Working Group, as well as the Committee, is interested in tracking the development and implementation of the SAPR Strategic Plan. The Committee received input from a SARC questioning the guidance SARCs are receiving in the field. The Working Group may wish to talk to SARCs in installation visits. The Working Group would also like to visit the Service Academies, as a new academy sexual harassment and violence report will be released soon. RADM (Ret) Morris also indicated that the Working Group may wish to interview health providers and investigators to round out their research.
- Sexual harassment as distinct from sexual assault. A culture of sexual harassment may create an environment that leads to sexual assault. Whether the Services should place greater attention on sexual harassment as distinct from sexual assault was a continuing concern of the Committee in 2011. On a related point, the Working Group would like to follow up on the need for accountability within the Services, whether evaluations will include measures of sexual assault and harassment, and what kind of oversight and guidance will be provided.

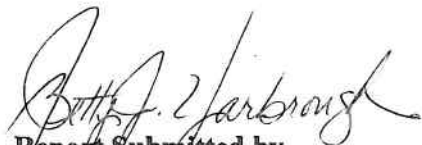
Ms. Hemphill opened the floor for Committee members, military representatives, and audience members to discuss the 2013 study topics.

- Dr. Trowell-Harris reported on the efforts of VA to assist veterans, considering the large numbers of women veterans with children who are homeless. VA established a website that provides help for the homeless veterans. She encouraged the Committee to continue to promote resources for veterans.

Final Remarks

Final remarks were made by Committee Chair Ms. Hemphill and Designated Federal Officer COL Yarbrough. Ms. Hemphill announced that the next business meeting is tentatively scheduled for the second week of March 2013.

Meeting was adjourned.


Report Submitted by
COL Betty J. Yarbrough, USA
Director, DACOWITS


Report Certified by
Ms. Holly Hemphill
DACOWITS Chair

DACOWITS MEMBERS IN ATTENDANCE

Ms. Holly Hemphill

Ms. Nancy Duff Campbell

BG (Ret) Maureen LeBoeuf

The Honorable Deborah James

COL (Ret) Margarethe Cammermeyer

BG (Ret) Julia Cleckley

SgtMaj (Ret) John L. Estrada

FLTCM (Ret) Jacqueline DiRosa

LtGen (Ret) Frances Wilson

RADM (Ret) Elizabeth Morris

MG (Ret) Gale Pollock