

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Quarterly Meeting Minutes

20-21 June 2013

The Defense Advisory Committee on Women in the Services (DACOWITS) held a full committee meeting on June 20th and 21st, 2013. The meeting was held at the Sheraton National Hotel-Pentagon City, 900 South Orme Street, Arlington, VA, 22204.

20 June 2013

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 presented the issues that would be covered and meeting attendees introduced themselves.

COL Yarbrough reviewed the status of the Committee's Requests for Information. The Wellness Working Group had requested information from Navy on efforts to aid military members with family planning. This briefing will be delayed until Navy is able to present the findings from its Pregnancy and Parenthood Survey.

Marine Corps Infantry Officer Course Information Brief

The Committee has previously been briefed on the Marine Corps' plans to offer women the opportunity to volunteer for the Marine Infantry Officer Course (IOC) on an experimental basis. Col Desgrosseilliers briefed the Committee on the course.

Col Todd Desgrosseilliers, US Marine Corps, Commanding Officer, The Basic School

As part of their training, all Marine Corps officers first attend the Basic School, a six-month course that serves as the foundation for Marines' primary Military Occupational Specialty (MOS) schools, including IOC. Marines are selected at week 19 of the Basic School to become Infantry Officers and attend IOC. The Marine Corps has offered women in the Basic School the chance to attend IOC on an experimental basis to determine whether women can graduate from the course, as a preliminary indication if women will be able to succeed in the infantry MOS. To date, four women have attempted the course; three failed the first event, the initial Combat Endurance Test (CET), and one was injured after completing the CET. Six women were slated to begin the course this July; four withdrew because of either injury or a desire to move on to their primary MOS, leaving two women who will start the course (note: these two women subsequently failed the CET, along with 16 men).

The IOC has 12 required physical standards and 12 performance steps, all taken from the program of instruction that is reviewed every three years by a curriculum review board. Marine Corps Education and Training Command determines the standards, and the board develops the tasks that demonstrate the Marines' ability to perform these standards. The standards are based on subject matter expert interviews, not observations of the tasks performed by Marines in the field. While there are no occupational specialists on the review board, Col Desgrosseilliers stated that the physical standards and proxy tasks are frequently vetted from an exercise physiology standpoint. The Marine Corps has not made any changes at IOC since women have begun attending and has no plans to do so; the focus will be on improving physical and mental preparation for IOC. The Commandant met twice with the instructors at IOC to affirm that the cadre supported the introduction of women to the course.

The average attrition rate for men in IOC is 20-25%. Attrition comes from a combination of failing to meet the standards, injury and voluntary drops. Many participants are unable to pass the initial Combat Endurance Test on the first day of the course. Women Marines primarily fail due to a lack of upper body strength, but men also experience this issue. With respect to injury, the Marine Corps has found there is a correlation between Physical Fitness Test (PFT) score and injury rate and thus requires officers to have high PFT scores to attend IOC. For Marines for whom there is a gap between Basic School and IOC, placement in the gender-integrated Marines Awaiting Training (MAT) Platoon aims to increase strength and endurance and reduce the risk of future injuries. Marines who are injured in IOC or who fail the Combat Endurance Test once are also placed into this platoon to recover and train before they attempt the course again.

Permanent injury is the biggest concern among women who have not volunteered for IOC or who have withdrawn in advance of IOC. Women at the Basic Course have been injured at twice the rate of men over the past 10 years. Additionally, none of the ten women who have volunteered for the course have expressed a desire to serve in the infantry if that MOS were open to women. Women primarily come to IOC for the challenge. Committee members offered that women may be volunteering for IOC at a low rate partly because infantry positions (the 0302 MOS) are not open to them even if they were to pass the course. The Marine Corps has determined that 92 women will need to attempt the course before they have enough data to assess the results of this trial. The briefer could not say how this number was determined or how the results of the experiment will be evaluated. The Committee expressed concern that it will take decades to conclude the experimental trial given the current rate that women volunteer for the course. Committee members questioned whether this trial was necessary, given that any officer who passed the IOC would have the proper qualifications and training for an infantry officer position. Finally, the IOC course is designed for 2LTs and is not open for lateral moves. The Committee noted that infantry is the only Marine Corps MOS that is not open for lateral moves.

Commissioning Sources Briefing on Representation of Women (ROTC, OTS/OCS, Direct Commissioning Programs)

Outreach and recruiting of women across all officer commissioning sources is critical to ensuring the U.S. military has the strongest possible pool of highly qualified individuals to draw from in meeting its leadership needs. In March, DACOWITS received a briefing on accessions of women into the Military Academies. Continuing their research into this matter, DACOWITS requested briefings from the Services on the accessions of women from other commissioning sources, including ROTC, OCS/OTS, and the Direct Commissioning programs.

Army (COL Joe Gill, Chief, Officer Division, Department of the Army G1)

COL Gill briefed the Committee on accession and retention of women across Army commissioning sources. Among all commissioning sources, the Direct Commissioning program has the highest proportion of women, at nearly one-third, partly due to its focus on special branches particularly medical fields. For the U.S. Military Academy, ROTC, and OCS, the percentage of women ranges from 12% to 16% of total accessions. The percentage of ROTC scholarship applications from women average 26%, with a slightly lower proportion receiving a scholarship due to Army requirements for filling STEM (science, technology, engineering, and mathematics) fields. With the exception of Direct Commissions, the percentage of women accessions has stayed the same or decreased slightly since 2002. The Army's goal for the officer corps is to reflect the demographics of the enlisted corps, which is currently 13-14% women. COL Gill stated, however, that Army does not cap the number of women that can access into the officer corps.

Women officers have lower retention than their male counterparts. For women, OCS-in service has the highest retention rate of the commissioning sources, as those officers have invested the most to become an officer. The most popular reasons that women leave the service are marriage, especially to a civilian; the desire to start a family; and dual-military families, particularly due to recent deployments. Furthermore, a Harvard Kennedy School study revealed that the main reasons people leave the military, without regard to gender, are for career control and quality of life. The Army has a number of programs targeted at recruiting and retention, such as the Officer Career Incentive Program and the Career Intermission Pilot Program, which target both sexes. The Army has also included women in marketing materials and recruiting efforts such as the "Starting Strong" reality-style show on FOX, which profiles women prospects in 3 of 10 episodes.

Marine Corps (Col John Aytes, Manpower Policy Branch Chief, HQ USMC)

Col Aytes briefed the Committee on accession and retention of women across Marine Corps commissioning sources. From 2003 to 2012, women represented 6-9% of total Marine Corps officer accessions. For FY2012, the Marine Corps increased the accession goal for women from 7.5% to 8.5%. Over the past ten years, the five-year retention rate for women officers is approximately 70%, and the ten-year retention rate is approximately 40%. Marines leave the

officer corps due to educational and work opportunities and family. The Marine Corps uses a number of non-gender-specific tools to retain officers, including formal counseling with Marines who are considering leaving the Service, transferring active duty Marines to the Select Reserve, and the Career Intermission Pilot Program. The Marine Corps also has a number of professional women's organizations to promote the retention, career development, and mentorship of women officers. Marine Corps Recruiting Command is conducting research to better understand how to recruit women specifically.

Navy (CDR Angela Katson, Director, Navy Office of Diversity and Inclusion)

CDR Katson briefed the Committee on accession and retention of women across Navy commissioning sources. From 2004 to 2012, the Navy has generally seen an increase in the percentage of women accessions across commissioning sources. The Officer Development School, a 5-week program for Staff Corps Officers and several Restricted Line designators, has the highest percentage of women accessions, reaching 41% in FY2012; this was followed by Navy ROTC at 23%, the Seaman-to-Admiral (STA-21) program at 17%, and Officer Candidate School at 14%. There are fewer women in STA-21 than expected due to lower self-selection of women into STEM fields, which are prioritized in the program. With the exception of its nuclear programs, the Navy has no specific accession goals for women officers. In the enlisted ranks, however, the Navy has a goal that 23% of its force be women.

In the past several years, women's 5-year retention rates have been around 70% and the 10-year retention rates have exceeded 30%. Women's retention rates lag behind men's at the five and ten-year mark, but are very similar after 10 years. In its efforts to recruit women specifically, Navy Recruiting Command supports outreach efforts at meetings and conferences for women, such as the Society for Women Engineers. The Navy Office of Women's Policy is involved in shaping Navy policy to better retain women. The Navy's Task Force Life/Work (TFLW) initiatives include 12-month operational deferment for pregnancy and the Career Intermission Pilot Program.

Air Force (Brig Gen Gina Grosso, Director of Force Management Policy, Deputy Chief of Staff for Manpower, Personnel and Services)

Brig Gen Grosso briefed the Committee on accession and retention of women across Air Force commissioning sources. Over the past ten years, approximately 28% of the Air Force's officer accessions have been comprised of women. Similar to the other services, women are most highly represented in the direct commissioning accession source (Officer Training School Commissioned Officer Training Non-Line Production) at 44%, followed by ROTC at 23% and Officer Training School Basic Officer Training at 15%. In recent years, the focus has not been on increasing retention due to already-high retention in the face of downsizing, but there was an effort (slowed down because of budget cuts) to work with RAND to study women's retention. Women's retention rates lag behind men between the four and thirteen-year marks; however, retention rates are similar between years 14 and 20. The Air Force has no gender-related accession goals among any of its commissioning sources, but the OTS and Air Force Recruiting

Service do offer incentives to recruiters to recruit female applicants for rated and critical degree-related jobs.

Coast Guard (CAPT Ronald LaBrec, Commanding Officer, Coast Guard Recruiting Command)

CAPT LaBrec briefed the Committee on accession and retention of women across Coast Guard commissioning sources. Other than the U.S. Coast Guard Academy, which represents two-thirds of officer accessions, the Coast Guard has two main sources for officer accessions, OCS and Direct Commission officer programs. A slightly higher percentage of women are enrolled in OCS than the Direct Commission programs, largely due to the STEM focus of the latter. The Coast Guard also has the College Student Pre-Commissioning Initiative (CSPI) that gives scholarships to students already in college to go to OCS. A high percentage of women have enrolled in this program. The Coast Guard has a number of programs in place to recruit women and girls specifically, such as the Girls Sports Sponsorship Program and a partnership with the Virginia Women's Leadership Institute. The Coast Guard also has policies and programs that focus on retaining women, such as the Temporary Separation Program, the Separation for Care for Newborns Program, and Child Development Centers, in addition to maternity and post-partum policies. Women's officer retention lags behind that of men, with the greatest difference occurring in the first 10 years.

Women in Services Review Update:

In January 2013, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff announced the end of the direct ground combat exclusion policy for women in the military. They also announced that the Services would move forward with a plan to eliminate all unnecessary gender-based barriers to service and directed the Services to develop, review and validate gender-neutral occupational standards and put them into use not later than September 2015. DACOWITS requested an update from the USD(P&R), Office of Military Personnel Policy (MPP) on the status of the Women in Services Review (WISR) to include progress toward opening positions previously closed to women and development of occupational standards.

Military Personnel Policy (Ms. Juliet Beyler, Acting Director, Officer and Enlisted Personnel Management)

On 18 June 2013, DoD released its plan for integrating women into positions that were previously closed to them. Each Service branch has submitted a plan to review positions currently fully or partially closed to women. The Services must request an exception to policy to keep any occupational specialty or unit closed to women, which must be personally approved by the Chairman of the Joint Chiefs and the Secretary of Defense. The date by which these exceptions to policy must be requested has not been set.

Army (LTC Sharlene Pigg, Chief of Women in the Army Assignments Branch)

LTC Pigg briefed the Army's plan to integrate women into previously-closed positions. The Army is organizing its plan into a phased process that will open: 1) positions in previously-closed *units* with open occupations, and 2) previously-closed *occupations*. The Army has also already begun to scientifically validate its occupational standards, beginning with standards in closed specialties. The Army will complete validation of all gender-neutral occupation standards by September 2015. The Army will also be simultaneously conducting a gender-integration study to identify potential issues involved with integrating women into new positions to help leaders to address these issues.

Marine Corps (Col John Aytes, Manpower Policy Branch Chief, HQ USMC)

Col Aytes briefed the Committee on the Marine Corps' plan to integrate women into previously-closed positions. The Marine Corps' plan is divided into two lines of effort: 1) analyzing closed MOSs and 2) analyzing positions in closed *units* with open MOSs.

The plan to open previously-closed occupations to women involves three phases. In phase one, the Marine Corps will validate all physical standards for MOSs closed to women. So far, they have found 259 tasks associated with these positions that they have distilled into 5 proxy tests. The Marine Corps will use information collected from this phase to develop a safe and simple physical test to screen applicants for those occupations. In phase two, the Marine Corps will set conditions to ensure women are successfully integrated into newly-opened MOSs. Among other steps, this will involve educating instructors at MOS schools and conducting a review of facilities at MOS schools and units. The last phase involves implementing the plan to assign women to newly-opened positions.

As part of their plan to open previously-closed units to women in open occupations, the Marine Corps has already assigned 48 women NCOs to previously-closed units to establish a cadre of senior women to ease the transition for junior women. The Marine Corps is reviewing the results of this trial, but they have no plans to reverse the decision to open these units to women. Col Aytes stated that the feedback from this step has been positive so far. After this initial trial, additional units will be opened to women in 2014, and contingent upon these trial results, the Marine Corps will recommend whether to open all previously-closed units to women in 2015.

Navy (Ms. Jessica Milam, Director, Navy Office of Women's Policy)

Ms. Milam briefed the Committee on Navy's implementation plan. The vast majority of occupations and units are already open to women in the Navy. Exceptions primarily involve units engaged in Special Operations Forces (SOF) missions; personnel assigned to the Marine Corps Ground Combat Element; and restrictions on a limited number of vessels, such as the Los Angeles and Seawolf class submarines, due to berthing and privacy arrangements. By 2016, the Navy plans to have no occupations and a limited number of positions closed to women. In addition, the Navy will have gender-neutral occupational standards in use by September 2015. A task force has been assigned to decide whether to open positions on submarines that are closed to

women due to berthing and privacy arrangements. Even if these positions remain closed to women, Navy's goal in this process is to offer women and men equal professional opportunity by, for example, offering women positions on other submarines in the same class. Between 2013 and 2015, Navy has planned a series of decision points to integrate various previously-closed positions to women.

Air Force (Brig Gen Gina Grosso, Director of Force Management Policy, Deputy Chief of Staff for Manpower, Personnel and Services)

Brig Gen Grosso briefed the Committee on the Air Force's implementation plans. Less than 1% of positions in the Air Force are currently closed to women, and all of these positions are tied to Special Operations. The Air Force's initial assumption is that all of these positions will be opened to women, but Special Operations Command (SOCOM) controls the decision, and Air Force will collaborate with Army and SOCOM on whether and how to open these positions. Unrelated to the Secretary of Defense's requirement, Air Force is in the midst of a two-year effort to examine positions that are closed to women. The Air Force validates its standards every five years. The Air Force expects that by October 2015, women will be training in the newly-opened positions, and by January 2016, women will be integrated into operational units.

Mr. Jeffrey Resko (USSOCOM Force Management and Development Directorate Liaison to the National Capital Region)

Mr. Resko briefed the Committee on the implementation plans for Special Operations Forces units. SOCOM's timeline will be similar to that of the Services. Their analysis focuses on three lines of effort: 1) A comprehensive review of USSOCOM-wide Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, Facilities, and Policy (DOTMLPF-P) with a special emphasis on gender-neutral training standards in initial entry courses, and an evaluation of those courses' facilities not later than July 2014; 2) a study to understand the social science impacts of integrating women into Special Operations Forces units, conducted by the Center for Special Operations Studies and Research not later than July 2015; and 3) a RAND study to provide an independent analysis to complement these two lines of inquiry not later than July 2014. The RAND study will include a survey of SOF personnel similar to the study conducted in implementing the repeal of "Don't Ask, Don't Tell," with the goal of identifying areas of misunderstanding to address. SOCOM has no plans to initiate a pilot study to put women through its initial entry courses.

Summary of Installation Visits

In Spring 2013, Committee members visited the four Service Academies and five OCS/OTS sites to collect data on the prevention of sexual harassment and sexual assault and the accession of women into the officer corps. DACOWITS conducted 51 focus groups – 16 among students at the Academies, 18 among officer candidates/trainees at OCS/OTS, and 17 among faculty and staff across all sites. Staff from ICF recorded written transcripts of the discussions and compiled and analyzed the resulting data. Dr. Creel and Ms. Schaad briefed the focus group findings.

Officer Accessions (Ms. Ashley Schaad, ICF International)

Aside from athletes recruited to the Academies, few participants were actively recruited for the Academy or OCS/OTS. Many OCS/OTS candidates had always wanted to join but had not done so earlier in life. Prior enlisted participants reported a lack of knowledge among the enlisted force about the options available for commissioning and the processes to apply to the various commissioning routes. Several participants, particularly women, were influenced to join by family members, friends, or neighbors who served in the military. Participants also mentioned other factors for joining, including a desire to serve, the challenge and discipline of the military, monetary benefits, training and job opportunities, career skills, and job security. The majority of the participants felt the influencing factors for men and women were similar, though some indicated a belief that women are accepted based on gender quotas. Participants suggested ways to recruit more women officers, including having more women recruiters and using existing women students and officers to talk to potential recruits and highlighting career and leadership opportunities for women.

Most participants felt that having women in leadership roles at the Academies and OCS/OTS is important because women have a different leadership style and are needed to provide mentors and role models for women. Women noted the importance of having women-specific leadership styles to emulate, while men noted the importance of experiencing the different leadership styles and perspectives women bring. Several participants, especially men, noted the importance of leadership being selected based on merit rather than gender.

Some faculty and staff see their role as mentor/role model as being hands-on and make a concerted effort to speak with women. Committee members added that coaches can have a large influence on cadets. Officers generally receive formalized leadership training and reported that the training is useful. However, enlisted staff members are expected to rely on their experiences for mentoring candidates/students and serving as a role model, and many feel this is not enough training.

Prevention of Sexual Harassment and Sexual Assault (Dr. Alisha Creel, ICF International)

In general, OCS/OTS participants indicated that sexual harassment and sexual assault were uncommon due to the demands of the training environment, while at the Academies, participants indicated that sexual harassment was much more common than sexual assault. Participants rarely spoke of unwanted sexual advances or *quid pro quo* forms of sexual harassment; rather, they spoke mostly of crude jokes or sexist comments that contribute to a hostile work environment. Particularly at the Academies, sexual harassment is driven by a combination of factors, including immaturity of students, trying to fit into a male-dominated culture that is shaped by sexism in society and military culture, and the lack of boundaries between work and life. Participants at the Academies talked about the role of alcohol in contributing to sexual assault problems by reducing impulse control among perpetrators, increasing the vulnerability of victims, and decreasing bystander intervention and reporting of assaults by victims due to concerns about

getting in trouble for alcohol use. Participants recognized that sexual harassment and sexual assault are connected.

The Committee asked participants what they could do as leaders to prevent and address sexual harassment and sexual assault. Participants talked mostly about how they would set the tone of their command by having zero tolerance for inappropriate behavior, modeling good behavior as a leader, creating an environment of professionalism, and displaying respect and empathy and engaging with their subordinates.

Sexual harassment and sexual assault training was reported to be conducted frequently, and participants generally felt that the training had improved. Participants preferred interactive training in small groups that drew upon realistic experiences, and responded positively to bystander intervention training. Participants thought that training for faculty and staff on addressing sexual harassment and assault needs improvement and expansion.

Many participants felt that students were increasingly comfortable reporting sexual harassment and sexual assault incidents. Sexual assault was perceived as handled swiftly, and participants had positive things to say about the local sexual assault response teams. Sexual harassment was seen as taken less seriously, with other more minor offenses having more consequences. Several participants expressed dismay that convictions in sexual assault cases had been overturned by command. Similar to participants in past DACOWITS research on this topic, participants at the Academies and OCS/OTS felt that publicizing the outcomes of cases would show that the Services are taking this problem seriously, and would enhance reporting and deter potential perpetrators.

Australian Defence Force Update

The Australian Defence Force (ADF) is in the midst of a three-year plan to open all positions, including direct ground combat positions, to women. As part of a distinct project to reduce injury and attrition rates, the ADF has also been developing gender-neutral occupational standards that were scheduled for implementation in 2013. Because of relevance to DACOWITS' ongoing investigation on integrating women into previously-closed military positions, DACOWITS members met with and received briefings from ADF leaders in 2012 on their progress with gender integration and the development of gender-neutral occupational standards.

LTCOL Gwenda Caspersonn, Australian Defence Force

LTCOL Caspersonn provided an update on the ADF's efforts. ADF leaders signed off on the three-year gender integration plan last year, and as a result, women have been serving in combat roles in the ADF since 1 January 2013. Employment roles have been opened to women in the infantry, armored corps, artillery corps, explosive ordnance disposal, and combat engineer squadrons. The only area not yet open to women is Special Forces, as the ADF is still examining its physical standards. Previously-closed positions have been opened to senior women first; these positions will be opened fully in 2016. So far, five women have applied for direct combat roles.

Gender-neutral physical employment standards were introduced 1 January 2013 as well, but the first 12 months with these standards are being used as a trial period.

21 June 2013

Sexual Assault Prevention and Response Office Update

On 7 May 2013, the Secretary of Defense announced a new series of actions to further DoD's sexual assault and prevention efforts, including directing the Services to align their programs with a new Sexual Assault Prevention and Response Strategic Plan and directing implementation of other measures to address accountability, command climate and victim advocacy. The Committee requested an update from SAPRO to describe the DOD-Wide Sexual Assault Prevention and Response Strategic Plan and its status.

Col Alan Metzler, US Air Force, Deputy Director, SAPRO

Col Metzler briefed the new DoD-wide Sexual Assault Prevention and Response Strategic Plan. Based on survey estimates, more than 26,000 active duty men and women were victims of unwanted sexual contact in FY2012, an increase from 19,300 in FY2010. An estimated 6.1% of women (12,100 women) and 1.2% of men (13,900 men) indicated unwanted sexual contact. Approximately 11% of cases of unwanted sexual contact were reported in FY2012, down from 14% in FY2010. Underreporting is a significant concern for SAPRO as it complicates effective victim care and justice response against offenders. The level of trauma for the victim is significant, especially due to the level of trust that victims report having placed in their peers. In addition, victims report high levels of ostracism and retaliation after reporting. Restricted reporting, first offered in 2005, provides an opportunity to build victim confidence, and in FY2012, 17% of restricted reports converted to unrestricted reports.

The new initiatives in the DoD-wide strategic plan reflect SAPRO's multi-pronged approach to addressing sexual assault. SAPRO's approach involves five lines of effort: prevention, investigation, perpetrator accountability, victim advocacy, and assessment. Among the new initiatives directed by the Secretary of Defense, annual unit climate survey results will be provided to commanders' next higher level of command. New methods will be implemented for assessing commander performance in establishing proper climates, and commanders began receiving a two-hour core competency training in April to understand the nature of the problem. There is also an initiative for visual inspection of DoD workplaces to ensure they are free from degrading materials. This includes inspection of materials on DoD computers, but Col Metzler stated that DoD is encountering greater difficulty in monitoring material in cyberspace posted from private computers, such as Facebook pages, that may contribute to a degrading environment.

The strategic plan also includes several initiatives to improve victim treatment, rights, and counsel. The main priority for victim treatment concerns the Advocate Certification Program, which will review the qualifications for everyone involved with victims' assistance (e.g., SARCs, Victim Advocates). Additionally, a report is due back from the General Counsel in November 2013 regarding the expansion of victims' legal rights and victim services. Regarding enhancements to victims' counsel, the Air Force is conducting a pilot program to assign 60 trained DoD attorneys to 300 sexual assault victims to provide legal counsel. DoD will evaluate that pilot and may decide to expand the program to the rest of DoD.

Several components of the strategic plan also address the military investigation process. A special panel – the Section 576 NDAA 2013, Response Systems to Adult Sexual Assault Crimes Panel – will conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under Article 120 of the Uniform Code of Military Justice, for the purpose of developing recommendations concerning how to improve the effectiveness of those systems. DoD is also implementing special victims' capabilities to include lawyers and investigators specially trained for investigating sexual assault cases.

Military Justice System Information Briefing

Several DACOWITS recommendations have addressed the issue of accountability in preventing sexual assault. Congress in the 2013 NDAA created two panels to examine the general issue of whether changes should be made in the military justice system's handling of adult sexual assault crimes, and some members of Congress have introduced legislation to amend the UCMJ to place even more of the decision making outside the chain of command. DACOWITS requested a briefing from the DoD Office of General Counsel on the way in which crimes, including sexual assault, are handled by the military justice system.

Ms. Maria Fried, Associate Deputy General Counsel, Personnel and Health Policy and Mr. James Schwenk, Senior Deputy General Counsel

Ms. Fried briefed the Committee on the role of the commander in the military justice system. When an offense occurs, the commander performs a preliminary inquiry into the case. In cases of sexual assault, however, the commander is required to refer the case to an independent criminal investigative body, which performs an independent investigation. Commanders have no authority to stop that investigation. After that, commanders have the responsibility to decide how the case is to be disposed. The options available include taking no action, a letter of reprimand, and non-judicial punishment, usually reserved for less serious offenses; administrative action, including administrative separation and resignation; and court martial, for more serious offenses.

Disposition authority for cases of rape, sexual assault, forcible sodomy, and attempts to commit these acts are withheld to commanders at the O6 level or above, in accordance with a decision made last year by Secretary Panetta.

Commanders also have convening authority in court martial cases. The convening authority refers charges, selects a panel, and has final authority on the disposition of a case. Every general officer in command has convening authority, while some colonels and lieutenant colonels have special convening authority. The Joint Chiefs of Staff have informed the Secretary of Defense that the convening authority's option to disregard court martial findings without process is a vestige of the UCMJ as enacted by Congress in 1951 and is no longer needed. Secretary Hagel has submitted a legislative proposal to limit the convening authority's ability to overturn a court martial conviction of serious offenses but not a less serious charge, such as adultery or AWOL. The convening authority would be required to explain that decision in writing.

DoD has convened two panels, in accordance with section 576 of the NDAA FY2013, to review how the military justice system handles sexual assault crimes. Among other issues, these panels will consider current proposals in Congress to reduce the number of commanders with convening authority and to increase the power granted to appointed lawyers concerning a case's disposition. Committee members inquired as to the reasoning of the Joint Chiefs of Staff in resisting efforts to possibly reduce commanders' authority in the military justice process. Mr. Schwenk stated that the argument is that good order and discipline in the unit is enhanced when the senior leader is seen as *the* person in charge by those under his/her command, and anything done to diminish the commander's role will thus erode order and discipline.

2011 Health-Related Behaviors Survey Results

Dr. Diana Jeffrey, PhD, Director, Center of Healthcare Studies

DACOWITS continues to be interested in studying ways to prevent sexual assault and sexual harassment and in examining the health and wellness of military members. Dr. Jeffrey briefed the Committee on selected results of the 2011 Health-Related Behaviors Survey. The survey has been conducted every three years since 1980, and is used to measure health-related behaviors and lifestyles of active duty military personnel that have the potential to impact readiness. In 2011, the survey was conducted on-line for the first time and had a response rate of over 22%, with nearly 40,000 usable responses. Dr. Jeffrey reported that, despite press reports stating that the survey indicated that unwanted sexual contact rates increased between 2008 and 2011, differences between the 2011 survey and past surveys make comparisons invalid.

The survey presented several questions about unwanted sexual contact, defined here as, "unwanted sexual contact...between someone else and your private parts or between you and someone else's private parts." Results indicated that 30.2% of women and 6.9% of men had experienced unwanted sexual contact *before* joining the military, and 21.7% of women and 3.3% of men had experienced unwanted sexual contact *since* joining the military. While women were more likely to have ever experienced unwanted sexual contact (42%) than physical abuse (24.2%), men were more likely to have experienced physical abuse (15.8%) than unwanted sexual contact (9.2%).

A preliminary look at factors related to unwanted sexual contact since joining the military by someone in the military indicated that a history of physical abuse and unwanted sexual contact was related for both men and women. Men and women who had experienced unwanted sexual contact since joining the military by someone in the military were also more likely than their peers to report a range of stress reactions reflecting posttraumatic stress along with suicidal ideation, self-injury and suicide attempts. Unwanted sexual contact by someone in the military also appears to have an adverse effect on military retention for both women and men.

Public Comment Period

There were no public comments.

Final Remarks

Committee Chair Ms. Holly Hemphill and Designated Federal Officer COL Betty Yarbrough made final remarks.

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
BG (Ret) Maureen LeBoeuf
CMSgt (Ret) Bernise Belcer
COL (Ret) Margarethe Cammermeyer
Ms. Nancy Duff Campbell
Ms. Teresa Christenson
BG (Ret) Julia Cleckley
FLTCM (Ret) Jacqueline DiRosa
SgtMajMC (Ret) John L. Estrada
CAPT (Ret) Beverley Kelley
Ms. Donna McAleer
RADM (Ret) Elizabeth Morris
LTC (Ret) Hae-Sue Park
MG (Ret) Gale Pollock
LtGen (Ret) Frances Wilson