

# DACOWITS



Defense Advisory Committee on Women in the Services



1951-2015: 64 Years of DACOWITS



2015  
REPORT



# Executive Summary

The Defense Advisory Committee on Women in the Services (DACOWITS) (hereafter referred to as the Committee or DACOWITS) was established in 1951 with a mandate to provide the Secretary of Defense (SECDEF) with independent advice and recommendations on matters and policies relating to servicewomen in the Armed Forces of the United States. Individual members of the Committee are appointed by the SECDEF and serve in a voluntary capacity for one- to four-year terms.

It has been the Committee's approach since 2010 to divide its work into two areas of focus: Assignments and Wellness. The Committee selected topics for study under each area of focus, and gathered both primary and secondary sources of information: briefings and written responses from DoD, Service-level military representatives, and subject matter experts (SMEs); data collected from focus groups and interactions with Service members during installation visits; and literature reviews. These sources of information, along with information DACOWITS gained through studying some of these topics in previous years, formed the basis—or reasoning—for the Committee's recommendations.

The Committee voted on recommendations during its September 2015 business meeting and approved this annual report at its December 2015 business meeting.

## Assignments Recommendations

The Committee studied two Assignments topics in 2015: the effective and full integration of women into closed positions and units, and female accessions. The Committee also continued to monitor the Services' responses to its 2012, 2013, and 2014 recommendations that the Services work collaboratively to provide women with properly designed and fitted combat equipment as soon as possible.

### Effective and Full Integration of Women Into Closed Positions and Units

In 2015, DACOWITS continued to monitor DoD's and the Services' ongoing implementation of their respective plans to open closed positions and units to women no later than January 1, 2016. The Committee's study of the integration of women into ground combat units is built on five years of research as well as the Committee's recommendations, first made in 2010, to eliminate the policy implemented in 1994 excluding women from ground combat and to open all military positions and units to women. On January 24, 2013, then-SECDEF Leon Panetta and the Chairman of the Joint Chiefs of Staff (CJCS) General Martin Dempsey issued a memorandum rescinding the ground combat exclusion policy and directed the Services to comply with a three-year plan to open closed positions and units to women no later than January 1, 2016. The plan was consistent with certain guiding principles set forth by Chairman Dempsey in a memorandum issued



January 9, 2013. The Services' plans were to include ". . . the development and implementation of validated, gender-neutral occupational standards and the required notifications to Congress," an approach that was consistent with the Committee's 2011 and 2012 recommendations that any physical standards be validated to accurately predict performance of actual, regular, and recurring duties of a military job and applied equitably to measure individual capabilities.

DACOWITS made the following recommendations to address the effective and full integration of women into closed positions and units.

**Recommendation 1: The Secretary of Defense should open all closed units, occupational specialties, positions, and training to Service members who meet the requisite qualifications, regardless of gender. No exceptions should be granted that would continue any restrictions on the service of women.**

## Reasoning

Since 2010, DACOWITS has recommended that the SECDEF eliminate the discriminatory exclusion of women solely based on gender from any and all positions and occupational specialties, including those in direct combat. The Committee has studied the issue of disparate opportunities afforded to women in the Services under the ground combat exclusion rule and the rule's deleterious impact on women's accessions and career advancement. Employment discrimination against civilian women based solely on gender has been outlawed for decades in all other positions in government and the private sector, including law enforcement, firefighting, and other nontraditional career fields. Cases of gender discrimination are examined under the "intermediate scrutiny" standard. To be constitutional, a discriminatory law must further an important governmental interest or objective, and the means of discrimination must be substantially related to that government interest. Because gender-neutral standards are being implemented, any gender-based exclusion of women from combat positions and occupational specialties is likely to fail this legal test.

DoD contracted with the RAND Corporation (RAND) to conduct a study to describe best-practice methodologies for establishing gender-neutral standards for physically demanding jobs tailored to address the needs of the military. In September 2013, RAND issued a draft report that was provided to the Services. RAND's report identified a six-step process for establishing requirements for physically demanding occupations:

1. Identify physical demands.
2. Identify potential screening tests.
3. Validate and select tests
4. Establish minimum scores.
5. Implement screening.
6. Confirm tests are working as intended.

The Services appear to have taken various approaches toward conducting studies regarding establishing gender-neutral standards and opening positions to women. The Marine Corps

has given great weight to its study comparing the average performance results of men and women. The Army, in contrast, appears to have focused its analysis on individual performance and the individual's contribution as a member of a team. It is DACOWITS' belief that the Army's focus on individual performance standards is the best approach for determining the eligibility to serve in all positions and career fields. This approach strengthens the overall readiness and combat effectiveness of the Armed Forces.

Studies comparing the relative strength of the average woman to that of the average man are irrelevant. They are not responsive to the guidance issued by the SECDEF and the CJCS to develop and implement occupational standards to measure whether an individual is qualified to perform a certain position. These studies provide no rational basis for barring qualified women from a previously closed position. Indeed, these conclusions instead demonstrate a gender bias against all qualified women (even higher scoring women) in favor of any qualified man. To have the strongest fighting force, less qualified males should not be favored over equally or more qualified women.

DACOWITS' position on opening all closed units, positions, and training to Service members who meet the requisite qualifications is predicated upon the following considerations.

### **Opening all positions to women will make our military stronger.**

**Opening all positions to women ensures our military forces can attain the highest readiness levels possible.** The Committee believes that U.S. military readiness is the foremost consideration for all legislative and policy initiatives concerning women in combat. To attain maximum military readiness, the military must ensure that all Americans who are qualified and interested in serving their country in uniform have the opportunity to do so. With an all-volunteer force, it is even more essential to ensure that the most qualified and capable Service members are available to meet national security objectives.

To deliberately exclude more than 50 percent of the American population, especially from front-line combat positions and occupational specialties, defies long-established and fundamental principles of successful organizations. In view of the declining proportion of youth qualified to serve in the military, the military must be positioned to enlist or commission the best young men and women.

The Committee believes the ongoing development and implementation of gender-neutral standards will provide lasting readiness benefits as our military forces adapt to future combat environments, missions, technology, and equipment. These standards should be based on a scientifically rigorous process; validated as job related (based on the actual, regular, and recurring duties to be performed using current technology and combat equipment); and determined to accurately measure individual, not average, performance.

Given such rigorous standards, there is no reason to exclude any Service member who can meet those standards. Only those individuals who can meet the standards should be recruited, retained, and promoted; anything less will undermine military readiness. Gender is not relevant to this determination any more than race, religion, or sexual orientation. Performance is the only relevant criteria.

When the Committee has broached the topic of standards at its business meetings and in DACOWITS focus groups at military bases, and when individual Committee members have addressed the issue on their own or others' behalf during their military careers, the response from female Service members is very clear: they do not appreciate or desire different standards, nor do they benefit from them. To the contrary, lower standards affect readiness, are restrictive and counterproductive, and create perceptions that are completely opposite from those to which these professionals aspire.

**Opening all positions to women establishes the Military Services as a true meritocracy.** The “DoD Human Goals Charter”—signed April 28, 2014, by senior DoD leadership (the SECDEF, the CJCS, Service Secretaries, and Service Chiefs)—states that it is DoD’s goal to “make military service in the Department of Defense a model of equal opportunity for all regardless of race, color, sex, religion, sexual orientation, or national origin” and “provide opportunity for everyone, military and civilian, to rise to as high a level of responsibility as possible, dependent only on individual talent and diligence.” Unless every member of the Military Services, male or female, is allowed to hold any position for which he or she is qualified, DoD simply cannot achieve this goal. By opening all positions and military occupational specialties to women, DoD will become a true meritocracy where every individual can live up to his or her full potential.

**Opening all positions to women encourages the military culture to be more inclusive and accepting of diversity.** The “DoD Human Goals Charter” states, “The defense of the Nation requires a well-trained volunteer total force comprised of active and reserve military members and civilian personnel. We gain a strategic advantage through the diversity of our total force and create a culture of inclusion where individuals are drawn to serve, are valued, and actively contribute to overall mission success.” This change in policy is consistent with the American values of fairness and diversity, which the military is charged to defend. Indeed, history is instructive on this point. When DoD eliminated other discriminatory policies, such as racial segregation of Service members or the prohibition on service by gay and lesbian individuals, it only strengthened the Armed Forces.

### **Arguments against opening all positions to women are specious.**

The Committee’s studies of women’s assignment restrictions, including years of extensive interviews and focus groups with both male and female Service members of all ranks and in all Services, show that none of the proffered reasons for discrimination against gender hold up as a matter of either policy or law—any more than they did when they were used to justify discrimination based on race or sexual orientation.

**Opening all positions to women is not likely to impact unit cohesion or morale.** Since 1948, women have been a permanent and integral part of the Armed Forces without impacting unit cohesion or morale in combat situations. During Operation Desert Shield/Operation Desert Storm, out of necessity, more than 40,000 women served in the war zone in support units, missile crews, and aboard Navy ships, constituting 7 percent of the combat force. During that conflict, 13 women were killed and two taken prisoner. More recently, during the Iraq and Afghanistan wars, nearly 300,000 women have served in the war zone, directly in harm’s way, and engaged the enemy in close combat. More than 9,000 women have received the combat action badge. More

than 1,000 women have been wounded in action, and more than 150 have made the ultimate sacrifice. Two women were awarded the Silver Star for their gallantry in action.

The Committee has never received nor reviewed a scientifically validated study that proves gender integration of military units negatively affects unit cohesion or morale. To the contrary, the general consensus from the focus groups that the Committee has conducted across the country for years suggests the opposite—women bring fresh perspectives, unique leadership skills, and a relentless commitment to completing the mission.

**Combat is high-risk to health, regardless of gender.** As long as women can meet the gender-neutral occupational standards for a job, they should be evaluated as individuals and not on a physiological average. Physical fitness standards are not occupational standards. Physical fitness standards are normed for both age and gender and are intended to provide a general measurement of an individual's health and fitness for duty. Occupational standards are developed to ensure that an individual is capable of performing the functions of a position. Occupational standards for each position must be the same for men and women. Protective equipment and gear must be suitable for Service members of all sizes and shapes, regardless of gender—these modifications are necessary to ensure all those who serve are properly equipped, trained, and prepared for their mission.

**Opening all positions to women would not require unreasonable modifications to facilities to accommodate women.** Although some of the Services expressed concern over the need to modify physical spaces for women, the Committee believes facility modifications are not required. Men and women already serve in close quarters with minimal to no privacy while training and on deployment.

**Opening all positions to women will pose no reasonable obstacle to integrating women into a multinational force.** DoD should not permit other countries or cultures to dictate U.S. policies and regulations on gender integration, especially when such cultural mores directly impact U.S. military morale and unit cohesion and undermine readiness by eliminating many potentially qualified Service members strictly based on gender. Moreover, many of our allies already have women serving in combat positions, including the Republic of Korea, Canada, Australia, Sweden, and Israel.

**Women have demonstrated a desire and ability to serve in combat positions.** This past year, scores of women have volunteered to participate in combat training programs and experiments to further gender integration efforts. In some cases, these women have delayed or negatively affected their careers even without any guarantee of earning the occupational specialty upon successfully completing the training. Many of these women have volunteered because they passionately believe in the need to change DoD policy. On August 21, 2015, two women successfully completed the rigorous Army Ranger School combat training course.

A survey conducted by the Center for Naval Analysis for the Marine Corps in 2011 indicated that 31 percent of female respondents would be interested in a lateral move to a combat occupational specialty if given the opportunity; 43 percent of female respondents would have chosen a combat arms occupational specialty when they joined the Marine Corps had it

been an option; and 34 percent of female respondents would volunteer for a Ground Combat Element assignment if allowed. To date, more than 140 female Marines have successfully completed the enlisted School of Infantry combat training course.

Until women have the same opportunity as men to serve in all positions and occupational specialties, with their performance evaluated by the same standards and criteria, they will never compete fairly “head to head” in selection and screening boards. The Committee believes this affects women’s ability to attain the most senior levels of responsibility and authority. This discrepancy in standards also creates a ripple effect down the ranks, discouraging some junior women from continuing their military careers and civilian women from considering military service.

It is an unfortunate fact that some Services are having problems recruiting racial/ethnic minority officers into the infantry and other combat arms branches. It would be unthinkable to argue that minorities should be restricted from such positions due to a low propensity to serve, lack of critical mass, or an assumed inability to meet standards. These arguments are no less specious when applied to women.

**Recommendation 2:** The Secretary of Defense should monitor, validate, and verify the Services’ implementation of their integration efforts and progress in opening positions to women.

## Reasoning

The policy change eliminating the ground combat exclusion rule was announced on January 24, 2013. According to a report issued in 2015 by the U.S. Government Accountability Office (GAO), the Services had opened only 91,600 positions and 22 occupational specialties as of the date of the report. Nearly 250,000 positions and 53 occupational specialties remain closed to women solely based on gender. Once decisions have been made to open positions and occupations to women, a lengthy implementation process will follow. DoD must ensure the growth and evolution of women in these newly opened positions and occupations throughout the lifecycle of leadership development and career progression. DACOWITS agrees with the GAO report findings: without an ongoing monitoring process, it will be difficult for DoD to maintain necessary visibility over the extent to which the Services and the U.S. Special Operations Command (USSOCOM) are integrating.

**Recommendation 3:** The Secretary of Defense should recommend legislation that mandates women between the ages of 18 and 26 fulfill the same Selective Service registration requirements as men.

## Reasoning

The present Military Selective Service Act (MSSA) says that men (to include undocumented immigrants; legal permanent residents; refugees; incarcerated men upon release; transgender women born as men; and U.S. citizens) have a civil obligation to serve the Nation, but specifically

excludes women from that same civil obligation. In the case of *Rostker v. Goldberg* (1981), the U.S. Supreme Court determined that there was not sufficient need for women to register because they were excluded from combat military occupational specialties and positions. This rationale no longer applies since the SECDEF and the CJCS rescinded the ground combat exclusion rule in 2013. More than 90,000 additional positions are now available to women in the Services, with 250,000 more remaining to be opened by January 2016. The ground combat exclusion rule was also cited as a reason not to change the MSSA. The Committee strongly believes that with equal opportunity comes equal responsibility; therefore, women must be required to register for the Selective Service as their male counterparts must do.

## Female Accessions

The Committee's 2015 study of female accessions was prompted by the low percentage of women in the military and the Committee's continued concern that the Services have the strongest possible pool of highly qualified individuals to meet the need in the coming years. The Committee's 2015 study of this topic builds upon the Committee's 2013 examination of the accessions of women officers and its 2014 examination of the accession of enlisted women.

DACOWITS made the following recommendations to address female accessions.

**Recommendation 1:** All Services should set goals to systematically increase the representation of women in the officer and enlisted ranks. These goals should be benchmarked against the pool of eligible women recruits/candidates. Furthermore, these goals should not be constrained by past or current representation of women in the Military Services or estimates of the propensity of women to enter the Service.

**Recommendation 2:** All Services should systematically increase the accessions of women into the officer and enlisted ranks.

**Recommendation 3:** All Services should devote sufficient resources to target and increase the recruitment of women into the officer and enlisted ranks.

## Reasoning

DACOWITS has historically examined representation of officer and enlisted women in the Military Services. DACOWITS remains concerned about (1) the methods used to establish accession goals or the lack of methods thereof, (2) increasing the number of accessions throughput, and (3) the resources devoted to increasing the recruitment of women, to include female recruiters.



The Committee applauds the Secretary of the Navy for publically stating on September 10, 2014, at the Rutgers Aerospace and Defense Summit, “We don’t have enough women in either the Navy or the Marine Corps.” In briefings presented to DACOWITS in 2014, both the Navy and Marine Corps stated that they had exceeded their female enlisted goals in the accession of recruits from 2004 to 2014 with few exceptions. The Navy’s female enlisted accession goal increased from 16 percent in 2004 to 23 percent in 2013. The Marine Corps’ female enlisted accession goal increased from 7 percent in 2004 to 9 percent in 2013. More recently, when asked how it was going to comply with the Secretary of the Navy’s desire to increase the number of women in military service, the Marine Corps Recruiting Command briefed the Committee that it has not been given a gender-specific requirement for Active Component accessions and that increasing accessions would be based on propensity, throughput, and operational requirements. The Navy also said that it had no formal female accession target; however, they were successfully increasing accessions. In addition, as outlined in a briefing presented to DACOWITS in 2014, CAPT Bouve reported that the Navy is taking steps to examine the issue.

According to a 2015 DoD report from the Defense Manpower Data Center (DMDC), women comprised 15.4 percent of the DoD active duty force through July 2015, while men comprised 84.6 percent. Since 2000, the percentage of female active duty officers has increased 2.5 percent (from 14.4 percent in 2000 to 17.0 percent in July 2015), while the percentage of female active duty enlisted members has increased only 0.4 percent (from 14.7 percent in 2000 to 15.0 percent in July 2015). Although this data does reflect a small overall increase in the numbers of women across a 15-year span, the Committee considers an increase of slightly more than 2 percent for officers, and a less than .5 percent increase for enlisted, not acceptable.

In contrast, the Coast Guard established a goal of 20 percent female accessions in 2003. It did not reach that goal until 2009, but it has exceeded it every year since. Additionally, the Coast Guard devoted 39 percent of its marketing resources this past year specifically to attract women. Because the Services are now in the process of opening units and positions previously closed to women, there is much room for growth in the representation of women in both the officer and enlisted ranks. This growth could be accomplished through setting goals, increasing accessions, and targeting additional recruiting resources.

Systematically increasing the accessions of women will entail a compendium of changes in myriad military policy areas. DACOWITS believes policy changes addressed throughout its recommendations will increase the propensity of women to serve in an institution that supports gender neutrality. Strong command emphasis on prevention and zero tolerance of sexual harassment and sexual assault, reasonable and consistent postpartum policies, supportive dual military assignments, adapted performance evaluation standards, properly fitting combat equipment, social media sexual harassment policies, and other policies described within this annual report will assist the systematic increase in accessions of women in the officer and enlisted ranks.

## **Properly Fitting Combat Equipment**

In 2015, DACOWITS continued to monitor the Services’ responses to its 2012, 2013, and 2014 recommendations that the Services work collaboratively to provide women with properly designed and fitted combat equipment as soon as possible.

DACOWITS identified the following continuing concern to address properly fitting combat equipment.

### **Continuing Concern: Properly Fitting Combat Equipment**

This continuing concern is similar to ones expressed by DACOWITS in 2013 and 2014. Providing servicewomen with properly designed and fitted combat equipment is essential to their safety and well-being, unhindered performance of military duties, and overall military readiness. Therefore, continued collaboration between the Marine Corps and Army on product development, testing, and procurement of properly fitting combat equipment for servicewomen is crucial.

One provision of the National Defense Authorization Act (NDAA) for FY 2015 requires that combat equipment for women be properly designed and fitted and meet standards for wear and survivability. The Army's approach has been to procure and field combat gear sized for females: the Female Improved Outer Tactical Vest, Protective Insert Sizing Improvements, Family of Concealable Body Armor, and the Protective Under Garment. The Marine Corps, on the other hand, views the fit of combat gear as an issue of stature, not an issue of differences in male/female physiques. Over the past few years, the Marine Corps has recognized a need for combat equipment that is adjustable and fits smaller stature Marines, the majority of which are female. It has also identified the need to modify its inventory to better accommodate the female population. To that end, the previous combat gear inventory was designed to fit male Marines in the 5th to 95th body size percentile. The new inventory will be expanded to cover a wider range of body sizes, from the 5th percentile for women up to the 95th percentile for men.

Furthermore, in a brief to DACOWITS, the Marine Corps told the Committee it believes the current gender-integration effort could potentially lead to the development of new gender-specific equipment. With that in mind, the Committee remains concerned that without future communication and collaboration between the Marine Corps and the Army, there could be additional lost opportunities for economies of scale in procurement and delays in timely development and distribution of this equipment. DACOWITS believes that all Service members should have properly fitted individual combat equipment so that they are safe and can perform at the highest level.

## **Wellness Recommendations**

The Committee examined six Wellness topics in 2015: military culture and the elimination of sexual harassment and sexual assault; strengthening the effectiveness of the sexual harassment program; the impact of social media on Service members; pregnancy and postpartum policies; improvements in the use of protected health information; and Marine Corps performance evaluation system (PES) improvements.

## Military Culture and the Elimination of Sexual Harassment and Sexual Assault

The Committee's focus in 2015 included military culture and the elimination of sexual harassment and sexual assault, following a long history of DACOWITS research on this topic. In 2011, the Committee hosted focus groups among active duty Service members to inquire about the prevalence of sexual harassment and sexual assault, prevention programs, reporting procedures, and the impact of sexual harassment and sexual assault on mission readiness. During its 2013 focus groups, the Committee studied the increase in reports of sexual assaults at the Military Service Academies and examined the effectiveness of sexual harassment and sexual assault prevention programs. In 2014, the Committee focused on initiatives aimed at preventing and responding to sexual harassment and sexual assault throughout DoD and the Services. In 2015, the Committee's primary research was centered on gaining a better understanding of the facilitators and barriers to reporting sexual harassment and sexual assault; much of this discussion focused on military culture.

DACOWITS made the following recommendations and identified the following continuing concern to address military culture and the elimination of sexual harassment and sexual assault.

**Recommendation 1:** The Secretary of Defense, Service Secretaries, and Joint Chiefs of Staff should communicate a united, passionate, and powerful message to the Armed Forces that sexual harassment and sexual assault are not part of our military culture.

**Recommendation 2:** The Service Chiefs should send verbal and written communications to Service members emphasizing that sexual harassment and sexual assault are unacceptable and will not be tolerated. The message should embrace aggressive accountability of sexual harassment and sexual assault offenders, and those who were knowledgeable of the attacks and did nothing.

### Reasoning

The Committee believes that the first step toward changing this negative aspect of our culture requires overt actions from the top leaders of each Military Service, enforcing strict accountability as passionately and seriously as mission accomplishment itself.

Military culture emphasizes tenets such as discipline, professional ethos, cohesion, and hierarchy, prioritizing the group above the individual to achieve the highest level of mission readiness. Military culture prides itself on being a family as well as a workplace. Notwithstanding this strong culture, startling statistics on sexual harassment and sexual assault continue to provide evidence that there remain within the military offenders of sexual harassment and sexual assault; this tarnishes military culture and undermines mission readiness and the dignity and safety of all Service members.

DACOWITS has consistently reported the impact of sexual harassment and sexual assault issues on the recruitment and retention of women in the military. Over the years, we have learned that this is not only a women's issue. RAND's 2014 "RAND Military Workplace Study" revealed that more servicemen experienced sexual assaults than servicewomen, based on the number of assaults by gender and the higher proportion of men to women (a 6:1 ratio) serving in the military. Thousands of Service members have experienced sexual assault. Workplace violence has serious social, economic, and security consequences. Whether these attacks occur on or off duty, sexual assaults are criminal acts. The RAND research also identified that military culture tends to socially isolate those who report sexual assault. This retaliation undermines workplace safety and security and undermines cohesion and the goal of mission readiness. The RAND military workplace study report states that 62 percent of Active Component women who officially reported a sexual assault perceived experiencing professional or social retaliation. Reporting an offender needs to be viewed as strengthening unit cohesion. Only when the military environment and culture changes can sexual harassment and sexual assault be eliminated.

The Forbes Magazine article "The Key to Changing Organizational Culture," published in 2012, lists three key findings:

1. "Culture consists of group norms of behavior and the underlying shared values that help keep those norms in place."
2. "A powerful person at the top, or a large enough group from anywhere in the organization, decides the old ways are not working, figures out a change vision, starts acting differently, and enlists others to act differently. If the new actions produce better results, if the results are communicated and celebrated, and if they are not killed off by the old culture fighting its rear-guard action, new norms will form and new shared values will grow."
3. "Some group decides what the new culture should be. It turns a list of values over to the communications or Human Resource departments with the order that they tell people what the new culture is. They cascade the message down the hierarchy, and little to nothing changes."

It is important to know that this discussion is not just an issue of honor, dignity, and respect; it is an issue of leadership that directly affects mission accomplishment. If there is a failure of leadership in supporting the high moral standards of respect for one another, then unit cohesion suffers, and operational mission success is directly degraded.

Embracing the importance of completely eliminating this unacceptable behavior is most clearly exhibited in the now-famous speech given by the Chief of the Australian Army, Lieutenant General David Morrison. He very deliberately and forcefully spoke to the Australian Army about the scourge of sexual harassment and sexual assault. He told his Service members, "Those who think that it is OK to behave in a way that demeans or exploits their colleagues have no place in this Army." He added, "On all operations, female soldiers and officers have



proven themselves worthy of the best traditions of the Australian Army. They are vital to us maintaining our capability now and into the future. If that does not suit you, then get out.” He also stated—in the best example of a top-down effort toward accountability in his Service—“I will be ruthless in ridding the Army of people who cannot live up to its values and I need every one of you to support me in achieving this.”

In an effort to stop sexual assault within DoD, DoD’s Sexual Assault Prevention and Response Office (SAPRO) reported to DACOWITS in late 2014 that there are reforms being developed to reinforce a culture of honor, dignity, and respect in the military. The Military Services need to eliminate this unacceptable behavior by embracing an aggressive accountability of all offenders—both those who committed the crimes and those who did nothing to prevent and/or stop them. In DoD’s recent “Report to the President of the United States on Sexual Assault Prevention and Response,” surveys showed a decrease in the prevalence of sexual assault since the establishment of SAPRO. SAPRO’s prevention line of effort is centered on the climate assessment process, which is designed to cause organizational change. It uses Service member feedback to hold commanders accountable for encouraging and supporting a climate of dignity and respect. The DMDC “Survivor Experience Survey” and DMDC focus groups on sexual assault prevention and response showed improvements in DoD leadership’s support, treatment, and response toward sexual assault. These improvements are excellent and noteworthy; however, sexual assault and sexual harassment are still occurring in our Military Services.

U.S. military culture can be changed. The Committee believes that modeling behavior and communicating an overt, passionate, and powerful message from leaders at all levels (starting at the top) reinforces our military culture of professionalism, teamwork, and unit cohesion—to include all Service members, all the time. We believe this not only will reduce incidents of sexual harassment and sexual assault but also will strengthen our Armed Forces and improve our mission readiness.

### **Continuing Concern: Sexual Harassment and Sexual Assault Training and Retaliation**

**Retaliation.** Since 2011, the Committee has been studying sexual harassment and sexual assault in the military and continues to believe that combating these problems requires sustained and concentrated action, particularly in the area of retaliation and prevention training. RAND’s 2014 study found that an estimated 20,300 of the approximately 1.3 million Active Component Service members were sexually assaulted in the past year. The risk of sexual assault varied substantially by branch of service. Men and women in the Air Force experienced substantially lower rates of sexual assault than those in the Army, Navy, and Marine Corps. The majority of sexual assaults for both Active Component and Reserve Component members were perpetrated by other military personnel and occurred in military settings. Many who reported sexual assault perceived some type of retaliation. The study found that 62 percent of Active Component servicewomen perceived that they experienced professional or social retaliation after reporting a sexual assault. Since DoD’s last administration of its “Workplace and Gender Relations Survey of Active Duty Members” to gather information on sexual harassment and sexual assault in the military, conducted in 2012, there has been improvement in all areas except retaliation. The

SECDEF has requested the development of a strategy to prevent retaliation associated with reporting crimes and other misconduct. DACOWITS intends to follow this issue and DoD ongoing initiatives closely in the coming year.

**Prevention Training.** During the 2015 focus groups, Service members said that sexual harassment and sexual assault training had started to change military culture and attitudes. While the training was regarded as necessary and useful by most, participants criticized the content, delivery, and frequency of the training. Some of the participants perceived Microsoft PowerPoint lectures and computer-based training to be less effective than interactive skits and lectures in cultivating awareness about sexual harassment and sexual assault. With that in mind, The Department of the Navy SAPRO retained the interACT performance troupe to engage sailors, Marines, and civilians in theatrical role-playing to break the cycle of sexual assault, eliminate stereotypes associated with sexual assault, and enforce the Navy's zero-tolerance policy toward sexual assault. Rather than be passive observers, to date, more than 50,000 audience members have been invited on stage to become active participants. Because training is so important in the prevention of sexual assault and sexual harassment, DACOWITS would like to see the other Services adopt this interactive approach to training.

## Strengthening the Effectiveness of the Sexual Harassment Program

The Committee's focus in 2015 included strengthening the effectiveness of the sexual harassment program following a long history of DACOWITS research on this topic. In 2015, the Committee's primary research centered on gaining a better understanding of the facilitators and barriers to reporting sexual harassment and sexual assault; much of the focus of this research was on the sexual harassment program.

DACOWITS made the following recommendations to strengthen the effectiveness of the sexual harassment program.

**Recommendation 1:** The Department of Defense should immediately complete the report required by Congress on the effectiveness of the Office of Diversity Management and Equal Opportunity in addressing sexual harassment.

**Recommendation 2:** The Department of Defense should require that the Services provide at least the same attention to preventing and responding to sexual harassment as they do to preventing and responding to sexual assault.

### Reasoning

The 2011 GAO report "Preventing Sexual Harassment: DoD Needs Greater Leadership Commitment and an Oversight Framework" pointed out that sexual harassment programs in DoD suffered from limited staff resources, lack of oversight, no plan to monitor incidents, no

way to measure progress, and no method to communicate results. GAO recommended improving leadership commitment to preventing and responding to sexual harassment, compliance, accountability, and oversight of the sexual harassment program. DoD concurred with GAO's recommendations and reported to DACOWITS in 2013 that it was in the process of implementing the recommendations and making changes to DoD Directive (DoDD) 1350.2 with respect to sexual harassment and sexual assault.

Although the Office of Diversity Management and Equal Opportunity (ODMEO) has implemented a few of the GAO recommendations, it remains severely underresourced, and sexual harassment cases continue to receive insufficient attention. In its 2013 report, DACOWITS recommended that DoD and the Services combine efforts to develop one program to prevent and respond to sexual harassment and sexual assault. This has been successfully accomplished by some of the Services.

Following the 2013 DACOWITS annual report, NDAA 2014 required a review of ODMEO to be completed by January 2016. The purpose of this review was to determine whether sexual harassment cases should continue to be evaluated and addressed by ODMEO; evaluate the working relationship between ODMEO and SAPRO in addressing sexual harassment; identify and evaluate ODMEO resource and personnel gaps; and determine ODMEO's ability to track sexual harassment cases.

DoD reported to DACOWITS in June 2015 that it still had not completed its required congressional report nor revised DoDD 1350.2 with respect to sexual harassment, including social media harassment. Yet RAND's 2014 military workplace study found that sexual harassment remains a persistent and serious problem and that there is a close correlation between sexual harassment and sexual assault. The RAND study was based on a representative sample of 170,000 respondents; the data revealed an estimated 116,600 Service members were sexually harassed in the previous year, far more than were sexually assaulted. However, ODMEO received only 736 reported formal complaints and 686 informal complaints of sexual harassment in FY 2014. The variance between the number of incidents reported in the study and that reported by ODMEO is disturbing. RAND recommended that DoD expand sexual harassment and gender discrimination monitoring, prevention, and accountability practices and that it equip commanders with data and guidance to take effective actions. With the creation of SAPRO, DoD has in recent years significantly increased efforts by the Services to prevent and respond to sexual assault. It is well past time for DoD to ensure that the Services provide the same attention to preventing and responding to sexual harassment.

## **The Impact of Social Media on Service Members**

In 2015, DACOWITS began a new line of study, the impact of social media on Service members. The study was prompted by the Committee's concern surrounding social media use and online bullying and harassment.

DACOWITS made the following recommendations to address the impact of social media on Service members.

**Recommendation 1:** The Department of Defense and the Services should revise their definition of sexual harassment and any regulations pertaining to the use of social media to clarify that conduct or speech that takes place wholly online can itself constitute sexual harassment.

**Recommendation 2:** The Services should revise and implement sexual harassment training that addresses online harassment, anonymity, and the consequences of online behavior both on- and off-duty.

## Reasoning

Online harassment is a growing and pervasive part of our society, both inside and outside the workplace. The Pew Research Center's 2014 report on online harassment estimates 40 percent of all Internet users and 65 percent of young people ages 18–29 who use the Internet have been harassed online. As those statistics pertain to young women, 25 percent reported being sexually harassed, 23 percent being physically threatened, and 18 percent being harassed over a sustained period of time. While males of the same age group were more likely than women to experience online harassment, including threats of physical harm and sustained harassing, women were more likely to experience the more severe forms of harassment, including stalking, sexual harassment, and inferences of sexual assault. Additionally, 92 percent of Internet users agree that online environments allow people a level of anonymity that potentially could encourage sexual predators. With that in mind, the increased use of social media across all aspects of the military makes it necessary to directly address varying forms of online harassment, accountability, and consequences.

DoD's accepted definition of sexual harassment is "a form of sexual discrimination that involves unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. . . ." DACOWITS believes that this should be amended to include wording that clearly states that "verbal and physical conduct" includes online/Internet/social media contact as well. Sexual and gender harassment on the Internet can occur in a variety of ways and through a variety of mediums. Some of these media include chat rooms, Internet forums, message boards, social networking sites, instant messaging, and e-mail. The fluidity of online terms and technology requires that any wording added to the definition be all encompassing to include all future technological social media changes.

## Pregnancy and Postpartum Policies

The Committee's interest in pregnancy and postpartum policies is based on its belief that these issues are critical to the wellness and readiness of military women and, therefore, the overall force. DACOWITS studied pregnancy and postpartum issues in 2003, 2005, 2008, and 2013. The Committee's focus in 2015 was on pregnancy and postpartum policies, specifically operational deferment, breastfeeding, and postpartum physical fitness testing.



DACOWITS made the following recommendations and identified the following continuing concern to address pregnancy and postpartum policies.

**Recommendation 1:** The Secretary of Defense should require that the Services evaluate, at least every two years, their policies regarding operational deferment in the case of pregnancy.

### Reasoning

DoD has established a floor of four months of operational deferment for servicewomen who have given birth to a child. The Services differ on how much time they have opted to grant for operational deferment. The Air Force and Navy have decided, in the current operational environment, that they can grant up to 12 months of deferment. On the other hand, the Army and Marine Corps have decided that operational needs require a shorter operational deferment period of six months. The Committee understands the need for flexibility in operational deferment policies and Service-specific policies, consistent with the floor set by DoD. However, the Committee also believes that to ensure these policies are informed by current actual operational needs, they should be reviewed on a regular basis, no less frequently than every two years. The same logic would apply to the operational deferments provided in the case of adoption.

**Recommendation 2:** Given the importance of breastfeeding to healthy children and mothers, the Department of Defense should require the Services to increase the number and quality of lactation rooms available throughout the Military Services.

### Reasoning

There is a growing emphasis on breastfeeding nationwide. According to the “2014 Breastfeeding Report Card,” breastfeeding rates continue to rise in the United States. Currently, 27 States and the District of Columbia have laws protecting breastfeeding in the workplace. Data from the breastfeeding report card show that 79.2 percent of newborns have breastfed; 49.4 percent were breastfeeding at six months, decreasing to 26.7 percent breastfeeding by 12 months.

Breastfeeding offers proven health benefits for children and mothers. In her 2011 “Call to Action to Support Breastfeeding,” the Surgeon General called breastfeeding “One of the most highly effective preventative measures a mother can take to protect the health of her infant and herself.” In 2012, the American Academy of Pediatrics (AAP) reaffirmed its breastfeeding guidelines. Breastfeeding provides the healthiest start for an infant and promotes a unique bond between mother and baby. AAP, the American College of Nurse-Midwives, the American Congress of Obstetricians and Gynecologists, the World Health Organization, and the United Nations Children’s Fund all recommend exclusive breastfeeding for approximately the first six months of a child’s life, followed by breastfeeding and the introduction of complementary foods until at least 12 months of age, and continuation of breastfeeding for as long as mutually desired by mother and baby. This recommendation is supported by infant health outcomes; breastfeeding protects

against a number of infant health problems (e.g., respiratory illness, ear infections) and has even been shown to have a positive impact on adolescent and adult obesity. Choosing to breastfeed should be considered an investment in the short- and long-term health of the infant rather than a lifestyle choice.

The 2010 Patient Protection and Affordable Care Act's Break Time for Nursing Mothers Provision requires employers to provide employees with the right to pump breast milk on the job. Employers must grant employees the following: reasonable break time to express milk for a nursing child for one year after the child's birth; and a place, other than the bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used to express breast milk. Additionally, the law also protects workers from retaliation (e.g., reassignment to a less desirable job, taking away job duties or benefits) for asserting their rights on the job or filing a complaint about these issues.

Challenges in the workplace include lack of break time and inadequate facilities for pumping and storing breast milk. The committee believes many of these workplace challenges can be reduced with a small investment of time and flexibility. Providing accommodations for breastfeeding can offer tremendous rewards for DoD in cost savings for health care, reduced absenteeism, improved morale, and Service member retention. This policy should parallel the other postpartum policies and be equitable across the Armed Forces.

**Recommendation 3:** The Department of Defense should require that all of the Services create a consolidated pregnancy and parenthood instruction.

## Reasoning

Pregnancy and parenthood are natural events that occur in the lives of Service members and can be compatible with a successful military career. There are responsibilities that come with parenthood, and for those in uniform, these responsibilities require consideration and planning because of military commitments. Service members are expected to balance the demands of a military career with their family plans and responsibilities. To assist commanding officers, supervisory personnel, and Service members, the Navy and the Marine Corps each created a pregnancy and parenthood regulation, which consolidates and outlines all administrative regulations pertaining to expecting personnel. These policies address parenthood issues to include the adoption of children and single-parent Service members. Policies and procedures developed by the Navy and the Marine Corps provide administrative support and ensure the health and welfare of pregnant servicewomen while minimizing the impact pregnancy and parenthood have on mission readiness. The Navy and Marine Corps serve as examples for the other Services.

## Continuing Concern: Postpartum Policies

The Committee is closely following changes to postpartum policies, including operational deferment, maternity leave, convalescent leave, and physical training assessment exemptions. These issues have been evolving significantly over the last year, driven by policy changes

in some of the Services. The Committee intends to continue to examine these issues closely in the coming year.

## Improvements in the Use of Protected Health Information

While DACOWITS has been studying the health care needs of servicewomen for many years, in 2015, it began a new line of study, improvements in the use of protected health information. The study was prompted by the Committee's concern surrounding the documentation of pregnancy on medical records available to commanders.

DACOWITS made the following recommendation to improve the use of protected health information.

**Recommendation:** The Department of Defense should issue a policy regarding the proper use and distribution of the computer generated OB MultiID Discharge Summaries and make every effort to eliminate the release of this protected health information.

### Reasoning

The Committee is concerned about the improper release and/or use of protected health information (PHI). When servicewomen go to a military obstetrician/gynecologist (OB/GYN) for initial treatment, they are required to complete a form regarding their pregnancy history. The OB/GYN then enters this information into the DoD OB Multidisciplinary Intake form. After treatment and release from the hospital, this information is used to generate the OB MultiID Discharge Summary.

Currently, the appropriate use and distribution of the OB MultiID Discharge Summary is not governed by DoD policy. DACOWITS is aware of several cases in which active duty women were directed to take the discharge summary to their commanders to request convalescent leave. In other cases, they were told to attach the discharge summary to a separate internal hospital form and provide that to their commanders to receive convalescent leave.

Medical documents, such as the discharge summary, can be misinterpreted by nonmedical personnel when presented with technical medical terminologies such as pregnancy/gestational numbers and final outcomes of each pregnancy/gestation. This misinterpreted information can adversely affect a Service member's career because of the potential introduction of personal bias into the decision-making matrix of that Service member's chain of command. Service members' leadership need only know that the Service member is medically cleared to perform or restricted from performing required duties. It is not generally necessary for the chain of command to know specifically why that medical limitation is in place.

The discharge summary is designed to communicate to the patient the aftercare plan following discharge from a hospital setting. This summary belongs to the patient. A discharge summary should be treated as a personal medical record and protected as such and should never be used as a leave request for the commanding officer.

## Marine Corps Performance Evaluation System Improvements

In 2015, DACOWITS adopted a new study topic, the Marine Corps' PES and its references to pregnancy and postpartum convalescent periods. The study was prompted by the Committee's concern surrounding the documentation of pregnancy in PES records.

DACOWITS made the following recommendation to address Marine Corps PES improvements.

**Recommendation:** The Marine Corps Performance Evaluation System should not differentiate between women's and men's temporary medical conditions and all references to pregnancy and postpartum convalescent periods should be removed from fitness reports to ensure fairness and the individual's medical privacy.

### Reasoning

MCO 1610.7, Performance Evaluation System, issued February 13, 2015, states the completed fitness report is the most important information component in manpower management. It is the primary means of evaluating a Marine's performance (Sergeant through Major General) and is the Commandant's primary tool for the selection of personnel for promotion, augmentation, resident schooling, command, and duty assignments. Therefore, throughout one's career, fitness reports are routinely reviewed by a selection board made up of Marines in order to select individuals for augmentation, advancement, schooling, and command. A promotion/selection board is a nonmedically qualified group of experienced Marines whose sole focus is to evaluate a Marine's career performance for advancement in duty or pay grade.

The PES states that it is unacceptable to note if the Marine Reported On (MRO) is pregnant unless the note is related to adherence to weight standards or completing the Physical Fitness Test (PFT) or Combat Fitness Test (CFT). However, pregnancy is the only medical condition that is required to be divulged on a fitness report.

When a Marine is unable to take or pass the PFT or CFT, the code NMED (Not Medical Qualified) is entered in the fitness report. When NMED is used, the Reporting Senior must provide an amplifying comment in the narrative section of the fitness report. To ensure fairness to all Marines, a gender-neutral statement to address the NMED code should be directed. For example, "MRO was exempt taking the PFT/CFT due to a temporary medical condition."

When the MRO's weight exceeds the maximum allowable standard, the MRO's body fat percentage is recorded. However, if the Marine is pregnant, the instructions state that the weight should be omitted and the four-letter code "PREG" should be entered on the report.

MCO 1610.7 states that if the body fat percentage reported is greater than the maximum allowed for the MRO's age grouping, the report is considered adverse unless a statement is included that says (1) an appropriately credentialed health care provider diagnosed the individual's weight condition to be the result of an underlying cause or associated disease process, or (2) the Marine is within the 42-day postpartum convalescent period, or (3) the



Marine is within the six months following a medical officer declaring the Marine fit for full duty following child delivery. Since a pregnant woman's weight gain is the result of an underlying cause certified by an appropriately credentialed health provider, there is no reason or justification for documenting an authorized waiver differently for men and women. Any reference to the Marine's weight gain because of her postpartum status, child delivery, etc., is inappropriate and an improper release of PHI.

Marine Corps servicewomen should be provided the same medical confidentiality as their male counterparts on fitness reports regarding authorized waivers for the PFT, CFT, or not meeting the weight standards. It should be noted that none of the other Services include pregnancy-related comments on personnel evaluations.