

INFORMATION PAPER

Department of the Army, Equity & Inclusion Agency, Military Equal Opportunity
31 Aug 22

SUBJECT: Defense Advisory Committee on Women in the Services (DACOWITS)
September 2022 Quarterly Business Meeting Request for Information (RFI) 13:
Pregnancy in the Military

1. Purpose: To reply to the DACOWITS Pregnancy Discrimination RFI for the
September 2022 Quarterly Business Meeting

The Committee is interested in information the Military Services may have regarding the impact of pregnancy on retention and career advancement of servicewomen.

Question 13a: What complaint channels are or will be available to Service members to report violations of the pregnancy discrimination policy, and how will complaining Service members be protected from retaliation?

Response 13a:

Army regulation (AR 600-20 Command Policy) prohibits pregnancy discrimination as a form of sex-based discrimination under Army EEO and MEO policy. Both “gender identity” and “pregnancy” are separate types of sex-based discrimination. In this response, we discuss sex discrimination complaints and pregnancy discrimination as a subset of sex discrimination.

- The complaint channels that are available to Service members to report violations of the pregnancy discrimination policy are as follows:
 - Army personnel can report pregnancy discrimination (informal or formal) to their commander/supervisor, the Military Equal Opportunity (MEO), or law enforcement.
 - Equal Opportunity Leaders may resolve informal complaints at the lowest level. However, all informal complaint(s) and resolution must be reported to the commander and command's MEO professional for accountability reporting purposes and maintaining positive command climate.
 - *Army personnel can use the MEO and Harassment 24 Hour Hotline.* The hotline is an additional avenue for Soldiers to anonymously report incidents of sex discrimination.
 - If during the informal or formal process of an anonymous complaint the identity of the actual complainant is revealed the complainant will be edited in MEO database, and the actual complainant will be provided the requisite follow-up actions (DA Form 7279 – 1 (Equal Opportunity and Harassment Complaint Resolution Assessment Form)).
- The Army has begun development of a reporting system and a new database mechanism that will standardize data collection and enhance reporting quality.

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Currently, the Army gathers information from several sources, namely the Equal Opportunity Program, the Inspector General, the Criminal Investigation Division and the Commanders.

- Complainants associated with alleged retaliation or reprisal may address their complaint through their chain of command or through their Inspector General. If the Army personnel cannot resolve a complaint of retaliation or reprisal at the lowest level, the complaint processing system defines the following process for resolution.
 - The commander will then decide whether to refer the retaliation report for investigation by law enforcement or seek whether to resolve it through other appropriate channels.
 - When referred to a command for investigation, an individual independent of the originating unit or organization of the reported retaliation will investigate the retaliation reports referred to the command.
 - The chain of command will ensure that the MEO professional and Soldier remain informed throughout the process.
 - The MEO professional will work with the Soldier, making available alternative means for the Soldier to resolve the retaliation.
 - The MEO professional will notify the appropriate level of command of the retaliation report as soon as possible. If the retaliation report is against the immediate commander or first-line supervisor, then the next level of command will be notified and assume responsibility for the case.
 - Soldiers who report retaliation associated with filing a harassment complaint, or being a uniformed witness, bystander, or first responder related to the harassment complaint, will be afforded the opportunity to communicate with a GO in their chain of command regarding career-related impacts and administrative separation actions they perceive to be associated with the complaint or involvement in the incident. MEO professionals will notify Soldier complainants of harassment as well as uniformed witnesses, bystanders, and first responders, of this policy provision.

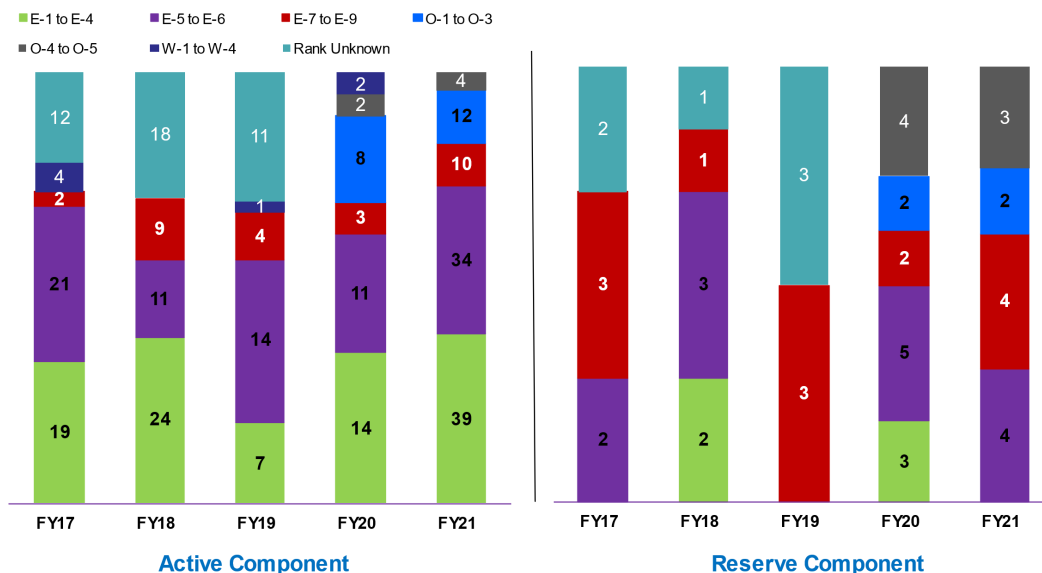
Question 13b: Number of complaints your Service has received in the last three (or more) fiscal years - by number, time in service, and percentage of all servicewomen - that report adverse actions, treatment or career impact related to pregnancy (to include childbirth/caregiver leave utilization, lactation accommodations, postpartum health conditions, etc.), as well as survey information/findings that report adverse pregnancy-related impacts or treatment.

Response 13b: Please see the two tables/overviews below for Army sex and pregnancy discrimination complaints. Pregnancy discrimination was not tracked separately from sex discrimination until FY20.

Department of the Army, Equity & Inclusion Agency, Military Equal Opportunity
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Servicewomen Bias/ Sex Discrimination Complaints FY17 -21



Servicewomen Bias/ Sex Discrimination Overview



- In FY17 there were 365 total Army (Active and Reserve Component) complaints filed:
 - 58 (16%) Active servicewomen filed sex discrimination complaints, less than 1% (0.0008) of total Active servicewomen
 - 33% E1-E4, 36% E5-E6, 3% E7-E9, 7% W1-W4, 21% rank unknown
 - 7 (2%) of Reserve servicewomen filed sex discrimination complaints, less than 1% (0.0001) of total Reserve servicewomen
 - 29% E5-E6, 43% E7-E9, 28% rank unknown
- In FY18 there were 345 total Army (Active and Reserve Component) complaints filed:
 - 62 (18%) of Active servicewomen filed sex discrimination complaints, less than 1% (0.0008) of total Active servicewomen
 - 39% E1-E4, 18% E5-E6, 15% E7-E9, 28% rank unknown
 - 7 (2%) of Reserve servicewomen filed sex discrimination complaints, less than 1% (0.0001) of total Reserve servicewomen
 - 29% E1-E4, 43% E5-E6, 14% E7-E9, 14% rank unknown
- In FY19 there were 250 total Army (Active and Reserve Components) complaints filed:
 - 37 (15%) of Active servicewomen filed sex discrimination complaints, less than 1% (0.0005) of total Active servicewomen
 - 19% E1-E4, 38% E5-E6, 11% E7-E9, 2% W1-W4, 30% rank unknown
 - 6 (2%) of Reserve servicewomen filed sex discrimination complaints, less than 1% (0.0001) of total Reserve servicewomen
 - 50% E7-E9, 50% rank unknown
- In FY20 there were 465 total Army (Active and Reserve Components) complaints filed:
 - 40 (9%) of Active servicewomen filed sex discrimination complaints, less than 1% (0.0005) of total Active servicewomen
 - 35% E1-E4, 28% E5-E6, 7% E7-E9, 20% O1-O3, 5% O4-O5, 5% W1-W4
 - 16 (3%) of Reserve servicewomen filed sex discrimination complaints, less than 1% (0.0003) of total Reserve servicewomen
 - 19% E1-E4, 31% E5-E6, 12% E7-E9, 12% O1-O3, 26% O4-O5
- In FY21 there were 607 total Army (Active and Reserve Components) complaints filed:
 - 99 (16%) of Active servicewomen filed sex discrimination complaints, less than 1% (0.0005) of total Active servicewomen
 - 39% E1-E4, 34% E5-E6, 10% E7-E9, 12% O1-O3, 4% O4-O5
 - 13 (2%) of Reserve servicewomen filed sex discrimination complaints, less than 1% (0.0003) of total Reserve servicewomen
 - 31% E5-E6, 31% E7-E9, 15% O1-O3, 23% O4-O5

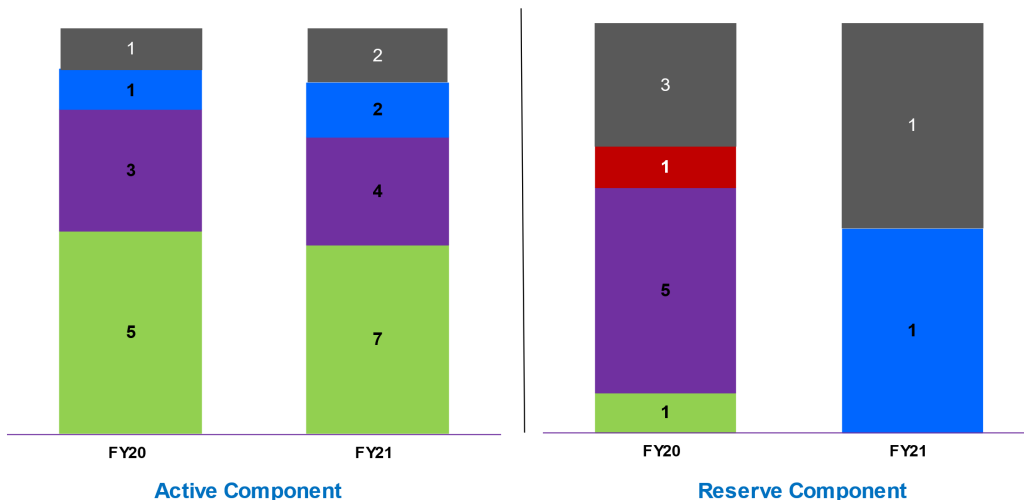
Department of the Army, Equity & Inclusion Agency, Military Equal Opportunity
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Servicewomen Pregnancy Discrimination Complaints



■ E-1 to E-4 ■ E-5 to E-6 ■ E-7 to E-9 ■ O-1 to O-3 ■ O-4 to O-5 ■ W-1 to W-4



*Pregnancy discrimination was not separated from Gender (Sex) discrimination until FY20



Servicewomen Pregnancy Discrimination Overview



- In FY20 there were 465 total Army (Active and Reserve Components) complaints filed:
 - 10 (2%) Active servicewomen filed sex discrimination complaints, <1% (0.0001) of total Active servicewomen
 - 50% E1-E4, 30% E5-E6, 10% O1-O3, 10% O4-O5
 - 10 (2%) Reserve servicewomen filed sex discrimination complaints, <1% (0.0002) of total Reserve servicewomen
 - 10% E1-E4, 50% E5-E6, 10% E7-E9, 30% O4-O5
- In FY21 there were 607 total Army (Active and Reserve Components) complaints filed:
 - 15 (2%) Active servicewomen filed sex discrimination complaints, <1% (0.0002) of total Active servicewomen
 - 47% E1-E4, 27% E5-E6, 13% O1-O3, 13% O4-O5
 - 2 (<1%) Reserve servicewomen filed sex discrimination complaints, <1% (0.00004) of total Reserve servicewomen
 - 50% O1-O3, 50% O4-O5

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Question c: Statistics/exit survey data/other reflecting the number of servicewomen over the last three years, who have separated from the military for reasons related to pregnancy discrimination - by number, time in service, and percentage of all servicewomen.

Response c: The Army does not track the requested information in the manner requested by DACOWITS. Please see RFI 4 responses for reasons Soldiers separate from the Army.

Question d: Policies regarding female cadets/midshipmen at the Military Service Academies in the event they become pregnant. Are they required to resign or give up their children for adoption? May they continue their studies during the term of their pregnancy? What are the policies for male cadets who father children? Are any policy changes being considered? How many female cadets have been affected by these policies in the last five years? How many resigned from service?

Response d: They Army is researching this question and will provide a response as soon as possible.

INFORMATION PAPER

MAAG
4 October 2022

SUBJECT: Policies Regarding Pregnant Female Cadets at United States Military Academy

1. Purpose: To provide a response to a Request for Information (RFI) from the Defense Advisory Committee on Women in the Services (DACOWITS) regarding the U.S. Army's policy for female Cadets at the United States Military Academy (USMA) who become pregnant.

2. Facts:

a. Currently, female Cadets who become pregnant must either submit an unqualified or relinquish their parental rights in order to remain a cadet, as per Policy Memorandum CC-20-12, dtd. 19 November 2020, paragraph 4.

b. Female Cadets who become pregnant while attending the Academy may not continue their studies during the term of their pregnancy, as per Policy Memorandum CC-20-12, dtd. 19 November 2020, paragraph 7(b)(4)(d).

c. There is no local policy regarding male Cadets who father children. U.S.M.A. relies on DODI 1322.22 and AR 150-1 when determining the proper action in this type of situation. Male Cadets who incur a legal obligation to support a child will be separated unless they relinquish their parental rights.

d. U.S.M.A. is aware of various efforts to change this policy at higher echelons, and it is our policy not to comment on pending legislation or policy changes.

e. Current recordkeeping methods do not support accurate reporting of how many female Cadets have been affected by these policies. U.S.M.A. is unable to confirm how many have resigned from service.