

**RFI Category and Number:** Pregnancy in the Military, RFI 13

In accordance with DACOWITS' Terms of Reference, the Well-Being and Treatment (WB&T) Subcommittee will determine if there are gaps in institutional policies and procedures that obstruct pregnant servicewomen from progressing in their military career and recommend policy changes.

**RFI Question:**

The Committee is interested in information the Military Services may have regarding the impact of pregnancy on retention and career advancement of servicewomen. The committee requests a written response from the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, and National Guard addressing the following:

- a. 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?
- b. 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.
- 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.
- 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?

**RFI Response 13a:**

The primary and preferred channel for addressing allegations of pregnancy based harassment or discrimination is the chain of command. Service members can submit an informal, formal, or anonymous complaint within the command. Other available avenues include contacting an inspector general, filing a US Navy Regulations Article 1150, filing a UCMJ Article 138, or communicating with an elected official. Upon receipt of a complaint, retaliation awareness is discussed with the complainant, alleged offender, complainant's chain of command and alleged offender's chain of command.

RFI Response 13b:

OPNAV N170 tracks pregnancy based discrimination complaints; to include some demographic information (i.e., race, sex, rank) of both the complainant and alleged offender. Time in service is not documented or tracked within N170.

	FY18	FY19	FY20	FY21	FY22
Reported	1	0	5	1	2
Substantiated	0	0	1	0	1
Unsubstantiated	1	0	4	1	0

RFI Response 13c:

There is no survey data that directly links pregnancy discrimination to separation from the Navy. In 2020, 13% of female participants and 29% of male participants in the annual engagement survey agreed that having a child does not negatively impact the careers of female Navy Sailors. This represents a decline from the 2018 survey results when 26% of female and 42% of male participants agreed having a child does not negatively impact the careers of female Navy Sailors.

RFI Response 13d:

Referencing the current instruction, COMDTMIDNINST 1531.2B of April 2015, female Midshipmen are not required to resign. If desired, they may submit a voluntary resignation and leave the Naval Academy. They may also request a leave of absence, not to exceed one year, to give birth and/or resolve matters of parental responsibility. The Midshipman may then apply for reinstatement at the end of the leave period by submitting a certified court document or other legal documentation authorized by state, district, or territorial law, certifying that she has no dependents and/or obligations of parenthood. Adoption, while an option, is not required to effectuate this.

Governing regulations prohibit continued attendance at the Naval Academy if a Midshipman is pregnant. A pregnant Midshipman must elect to resign or take a voluntary leave of absence no later than 30 days from the date written notification is received by the Midshipman from the Commandant's Legal Advisor. However, if possible, training will be terminated at a point academically feasible for the Midshipman to reenter training at a later date, without having to complete previously completed portions of training.

Male Midshipmen have the same options as a female Midshipman. However, the decision to voluntarily resign or take a leave of absence must take place no later than 30 days from the child's birth, and male Midshipmen may continue their studies during the pregnancy. At the end of the leave period, the Midshipman may then apply for reinstatement by submitting a certified court document or other legal documentation authorized by state, district, or territorial law, certifying that he has no dependents and/or obligations of parenthood.

The Naval Academy is supporting the Military Service Academy working group on Pregnancy Policy. The group has discussed options for a policy change that would not require Midshipmen/Cadets to surrender parental rights. Instead, Midshipmen would have to submit a "Family Care Plan" detailing how the child will be taken care of as they finish their time at the Naval Academy. A leave of absence

for female Midshipmen would still be required due to the unique military training environment of the Naval Academy. Child health care under TRICARE is also being considered. This new potential policy would largely align with the Navy's policy for when single Sailors with children dependents leave for operational deployments. The Naval Academy will continue to support this group's efforts and follow direction and guidance from DoD. There are no Naval Academy-specific initiatives being considered at this time.

Two female midshipmen have been affected by these policies in the last five years and neither female Midshipman resigned from service.