

**SUBJ:** DACOWITS RFI 13 - September 2022 QBM

**FROM:** Civil Rights (CG-00H) & Coast Guard Academy

**TO:** DACOWITS Committee

**THRU:** Office of Diversity & Inclusion (CG-127)

## **PREGNANCY IN THE MILITARY**

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.

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**DACOWITS:** 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?**

**CG Response:**

- 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?**

**A:** The United States Coast Guard (USCG) is fully committed to ensuring that all employees and service members work in an environment free of discrimination and harassment. The Commandant's Anti-Discrimination and Anti-Harassment Policy Statement and Equal Opportunity Policy Statement prohibit discrimination, harassment and retaliation based on sex, including pregnancy. The USCG has procedures in place to address claims of discrimination or retaliation. The USCG discrimination complaint process for service members is similar to the process for civilian members and closely follows 29 CFR 1614 and the Equal Employment Opportunity Commission Management Directive 110. All service members have the right to file a complaint of discrimination. Additionally, there are several opportunities to resolve allegations. The military process has a specific period of time (which is not extended to civilians) in which the service member's Command has an opportunity to meet with the aggrieved and attempt to resolve the issues prior to entering the informal complaint process. If the attempt fails, the service member may contact the Civil Rights Directorate and enter the informal complaint process. At this stage, the service member may choose mediation or counseling to resolve the claim. If the issues are not resolved in the informal process, the service member is given a final interview and an opportunity to file a formal complaint. The Regional Office reviews the claims of the service member and makes a decision following the guidance of 29 CFR 1614 and the MD110. If the complaint is accepted, an investigation is conducted using a third party. At the end of the investigation, the service member receives an election letter and a mediation offer. The USCG provides the service member a Final Agency Decision (FAD) based on the record and evidence provided. If the service member does not agree with the FAD, they may appeal it to Department of Homeland Security/Civil Rights & Civil Liberties. The USCG also has an Anti-harassment and Hate Incident program where any service member who feels harassed or is a witness to harassment may file a complaint for investigation. If a claim is substantiated, the Command takes action to address the incident. The policy is laid out in the Civil Rights Manual, COMDTINST M5350.4 (SERIES).

- 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.**

<b>Fiscal Year</b>	<b>Number of Complaints</b>	<b>Time in Service (years)</b>	<b>Number of Servicewomen</b>	<b>Percentage of Servicewomen</b>
19	0	N/A	7,613	0
20	0	N/A	7,706	0
21	0	N/A	7,850	0
Current (22)	1	7	7,767	.01%

- 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.**

**A:** None. There are no pregnancy discrimination related questions currently included on the USCG exit survey.

- 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?**

**A:** The regulations regarding cadets having dependents and being pregnant are found in the Cadet Regulations. CGA is currently on version N, attached, which states:

“Paternity/Maternity/Pregnancy. A cadet may not have any maternal or paternal obligation or responsibility at the time of appointment nor while enrolled as a cadet. Any cadet who becomes pregnant, causes the pregnancy of another, or incurs the obligation of parenthood must report the condition to their chain of command. Pregnancy past fourteen (14) weeks will be considered an obligation and will be applicable to both prospective parents. A cadet who incurs a maternal or paternal obligation may resign, be disenrolled, or may apply for a hardship resignation and apply for readmission upon resolution of parental responsibilities.”

**May they continue their studies during the term of their pregnancy?** In accordance with the CGA’s Cadet Regulations, a cadet may only stay enrolled at the CG ACADEMY for the first 14 weeks of pregnancy. After 14 weeks, the cadet may resign, be disenrolled or may apply for a hardship resignation and apply for readmission upon resolution of parental responsibilities.

**What are the policies for male cadets who father children?** The Cadet Regulations state, “A cadet may not have any maternal or paternal obligation or responsibility at the time of appointment nor while enrolled as a cadet.”

**Are any policy changes being considered?** The latest NDAA (attached for convenience) included a provision that applied to the DoD military service academies. CGA is aware that the DoD is revising its cadet/midshipman parental rights policy and is monitoring the progress.

**How many female cadets have been affected by these policies in the last five years?** The number of cadets who have been affected by these policies over the last five years is unknown as members who depart normally do not state the reason why they are resigning. CGA has reviewed all available data and did not find any instances within the past five years that referenced a cadet separating due to pregnancy.

**How many resigned from service?** CG Academy accepts many resignations each year. Often the cadet’s rationale for resigning is not articulated upon departure. To the CGA’s knowledge, only one cadet has chosen to reveal to the command that they were seeking to resign due to the CG Academy’s dependency policy.