

# **THE SECRETARY OF THE ARMY'S SENIOR REVIEW PANEL ON SEXUAL HARASSMENT**

## **EXECUTIVE SUMMARY**

### ***General***

The Senior Review Panel's mission was to review the human relations environment in the Army with particular emphasis on sexual harassment issues. Our assessment took us to Army locations worldwide. The Panel visited units forward deployed, in garrison, at training sites, and in classrooms. We saw America's soldiers in every conceivable location, performing every type of mission. The Panel delved deeply into the human relations environment, identified shortcomings, and has recommended changes. While there are definitely shortcomings that need to be addressed and are discussed within this report, it is important to state that the Panel also saw a trained and ready Army--the best Army that the Panel members have seen in over 200 years collective experience with the Army. Our soldiers are ready to perform any mission assigned, effectively and efficiently, anywhere in the world. America's sons and daughters who are today's soldiers are better trained and better equipped than any Army before and they are rightfully proud to be called soldiers.

### ***Purpose***

The Secretary of the Army has said, "The Army is based on trust." In the fall of 1996, the trust between leaders and soldiers was called into question by serious allegations of sexual impropriety at several Army installations. Investigation indicated that breakdowns in good order and discipline had occurred and that some leaders had abused the authority and power vested in them. Accordingly, the Secretary of the Army directed that a Senior Review Panel on Sexual Harassment be established to undertake the following missions:

- ◆ Conduct a systems review of the Army's policies on sexual harassment and of the processes currently in place.
- ◆ Recommend changes needed to improve the human relations environment in which our soldiers live and work, with the specific goal of eradicating sexual harassment.
- ◆ Examine how Army leaders throughout the chain of command view and exercise their responsibility to prevent sexual harassment, specifically addressing behaviors that fail to acknowledge the dignity and respect to which every soldier is entitled.

## ***Scope and Methodology***

The focus of the Panel's assessment has been the human relations environment in which our soldiers live and work, measured in terms of the dignity and respect we extend to one another as an Army. Panel members, supported by a working group of over 40 military and civilian personnel, conducted an extensive policy review, collected data at 59 Army installations worldwide, and completed exhaustive analysis of the data collected. We used four methods of inquiry to collect the data: surveys, focus groups, personal interviews, and observation. Before leaving a unit or installation, Panel members briefed senior leaders on their observations. This allowed leaders to immediately begin addressing issues raised at their installations. This has been a very positive aspect of the Panel's efforts--teaching and advising, not just the gathering of data. In all, the effort took eight months with results based on information provided by over 30,000 Army respondents.

## ***Findings***

Our findings center on four main areas: the Army equal opportunity (EO) program, the extent of sexual harassment in the Army, leadership, and Initial Entry Training (IET). We found that:

- ◆ The Army lacks institutional commitment to the EO program and soldiers distrust the EO complaint system.
- ◆ Sexual harassment exists throughout the Army, crossing gender, rank, and racial lines; sex discrimination is more common than is sexual harassment.
- ◆ Army leaders are the critical factor in creating, maintaining, and enforcing an environment of respect and dignity in the Army; too many leaders have failed to gain the trust of their soldiers.
- ◆ The overwhelming majority of drill sergeants and instructors perform competently and well, but respect as an Army core value is not well institutionalized in the IET process.

## ***Conclusions and Recommendations***

The Panel concludes that the human relations environment of the Army is not conducive to engendering dignity and respect among us. We are firmly convinced that leadership is the fundamental issue. Passive leadership has allowed sexual harassment to persist; active leadership can bring about change to eradicate it.

Our recommendations are broad based and cover a wide variety of Army processes, including: leader development, EO policy and procedures, IET

soldierization, unit and institutional training, command climate, and oversight. Key recommendations follow:

- ◆ Assign to one Department of the Army (DA) staff agency the primary responsibility for leadership, leader development, and human relations for the Army.
- ◆ Incorporate the human dimension of warfare into Army operational doctrine.
- ◆ Conduct a critical review of the staffing and organization of the DA elements responsible for human relations problems and issues and of the resourcing of those agencies responsible for assisting commanders in implementing and executing human relations policy.
- ◆ Embed human relations training in the Army training system as a doctrinal imperative.
- ◆ Re-engineer the EO program from top to bottom to make it responsive to leaders and soldiers, to protect those who use it, and to ensure that those working in it are not stigmatized.
- ◆ Mandate the conduct of a command climate assessment down to company-sized units at least annually; establish a mechanism to hold commanders accountable for their unit's command climate.
- ◆ Publish Army Regulation (AR) 600-20, *Army Command Policy*, immediately and publish interim changes in a timely manner.
- ◆ Increase the length of IET to allow for more intense, rigorous soldierization and the inculcation of Army values; design new training to inculcate Army values, appropriate behavior, and team building in IET.
- ◆ Improve IET cadre and recruiter training to include tools and techniques for addressing inappropriate behaviors in units; incorporate ethics and human relations training in recruiting and IET cadre courses, to include professionally facilitated sensitivity training.
- ◆ Implement a renewed Advanced Individual Training (AIT) approach that focuses on the continuation of the soldierization process begun in Basic Combat Training (BCT), as well as tactical, technical, and soldier skills and attitudes.
- ◆ Ensure that professionals and leaders (e.g., commanders, inspectors general, health care practitioners, criminal investigators, chaplains) who are expected to deal with soldiers reporting incidents of inappropriate sexual behavior are trained and qualified.

The Panel very strongly believes that we must ensure that we maintain a positive human relations environment in the Army. Personnel readiness relies on a positive human relations environment. It is the vital base upon which we build our Army, and the combat effectiveness of our most important weapon system--the soldier.

# TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
Executive Summary		1
Table of Contents		5
Forwarding Letter	Report of the Secretary of the Army's Senior Review Panel on Sexual Harassment	8
Part I	Introduction	11
Part II	Recommendations	14
Part III	The Senior Review Panel and the Report	33
Part IV	Senior Review Panel Assessment	39
	The Equal Opportunity (EO) Program	39
	The Extent and Impact of Sexual Harassment and Sex Discrimination	56
	Leadership	69
	Initial Entry Training	78
Epilog		91
Annex A	Senior Review Panel Charter	A-1
Annex B	Panel Member Biographies	B-1
Annex C	Acronyms / Abbreviations	C-1
Annex D	Installations and Locations Visited	D-1
Annex E	Review of Policies	E-1
Annex F	Events Connected with Equal Opportunity in the Army Since 1947	F-1

<u>Section</u>		<u>Page</u>
Annex G	Contemporary Military Documents Relating to Equal Opportunity and Sexual Harassment in the Uniformed Army	G-1
Annex H	Equal Employment Opportunity (EEO) Program	H-1
Annex I	Bibliography	I-1

## LIST OF TABLES

<u>Table</u>	<u>Page</u>
1 EOA Staffing as of March 31, 1997	43
2 EOA and EOR Responsibilities	52
3 Were you sexually harassed in the last 12 months?	57
4 Sexual Harassment by Rank and Gender	57
5 Sexual Harassment by Race and Gender	58
6 Experienced Behaviors Described in Sexual Experiences Questionnaire	58
7 Perceptions of Contribution	64
8 Toleration of Senior-Subordinate Sexual Relationships	67
9 Leaders Set and Enforce Standards	70
10 Leaders Exemplify Standards	71
11 Perceptions of Company Leadership	72
12 Trainee Responses: Experienced Sexual Harassment and Inappropriate Behaviors in the Different Training Components	81
13 Sources of Harassment	82
14 Trainer Responses: Experienced SEQ Behaviors	83

## LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1 Percentage Reporting any SEQ Behavior, Sexual Harassment, or that Sexual Harassment was a Problem in their Unit	60
2 The Flow from Recruiter to First Duty Assignment	79

# **REPORT OF THE SECRETARY OF THE ARMY'S SENIOR REVIEW PANEL ON SEXUAL HARASSMENT**

This report provides the observations, findings, conclusions, and recommendations of the Secretary of the Army's Senior Review Panel on Sexual Harassment. The Secretary established the Panel on November 21, 1996, in response to the allegations of sexual misconduct at Aberdeen Proving Ground, Maryland. The Secretary directed the Panel to examine the human relations environment in the United States Army, review policies and procedures that contribute to that environment, and recommend ways to achieve an Army where all soldiers and civilians are treated with dignity and respect. Panel members were:

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## ***Acknowledgments***

The Panel could not have accomplished its mission without the hard work and assistance of the over 40 officers, noncommissioned officers, and Army civilian employees who were members of the Panel's working group. These full-time members provided support in developing data collection tools, coordinating and conducting field visits to 59 Army installations and locations worldwide, collecting and analyzing data, and providing detailed policy research.

The Panel was aided by the following consultants who provided invaluable contributions to the overall effort:

LTG Robert H. Forman, USA (Ret.)  
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The Panel also wishes to acknowledge the cooperation of the thousands of soldiers and Department of the Army civilians who facilitated our visits and participated in the data collection. Finally, the Panel wishes to recognize the editorial support provided by the United States Army Center of Military History and the contributions of the various consultants and outside agencies, both federal and private, who provided valuable time and expertise to this effort.

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## Part I

### INTRODUCTION

*An army is based on trust . . . the trust of the American people that we will defend them and trust of our soldiers that their leaders will do what's best for them. When we violate that trust, we disappoint our country and betray our soldiers.*

Togo D. West, Jr., Secretary of the Army  
November 8, 1996

#### ***Our Army***

The basic purpose of the United States Army is to fight and win our nation's wars. In the post cold war era, strategic projection of land power has become the conceptual framework for decisive victory. Fundamentally, it is accomplished through the presence of soldiers on the ground in distant places, demonstrating military capability and commitment. Clearly, our strength as a land power rests with our soldiers. Indeed, as the Chief of Staff of the Army, General Dennis J. Reimer, has said, "Our soldiers are our credentials."

#### ***Readiness***

What impacts soldiers impacts combat effectiveness. One such factor is the human relations environment in which our soldiers live and work. The Army subscribes to a human relations environment based on dignity and respect. Respect is a bedrock value of both the Army and the Nation. Inherent in American society since the framing of the Declaration of Independence and the United States Constitution, the importance of treating soldiers with dignity and respect is reflected in early military doctrine, regulations, and codes of conduct as a basic tenet of leadership. In 1789, Frederick von Steuben wrote in the *Regulations for the Order and Discipline of the Troops of the United States* that a leader's first priority should be "treating [soldiers] with every possible kindness and humanity, inquiring into their complaints, and when well founded, seeing them redressed."

#### ***Trust***

Respect encompasses more than the traditional military courtesies that leaders and soldiers observe in deference to rank and position. It is a deep and abiding sense of the human worth of our comrades in arms. In peace, it brings us together as a team and, in war, it holds us together against our enemies. When soldiers are treated with respect and dignity by their leaders and their peers, a strong bond develops between

them. This bond is founded on mutual trust and serves to cement unit cohesion and to build esprit de corps. When this commitment to treating one another with dignity and respect falters, we risk destroying that which we must hold most precious--the indomitable, warfighting spirit of our soldiers.

In the fall of 1996, the trust between leaders and soldiers was called into question by serious allegations of sexual impropriety at several Army installations. Investigation indicated that breakdowns in good order and discipline had occurred and that some leaders had abused the authority and power vested in them. Some leaders had placed their own personal wants above their responsibility to take care of their soldiers. As a result, soldiers were grievously mistreated.

### ***The Panel's Charter***

Accordingly, the Secretary of the Army directed that a Senior Review Panel on Sexual Harassment be established to undertake the following missions:

- ◆ Conduct a systems review of the Army's policies on sexual harassment and of the processes currently in place.
- ◆ Recommend changes needed to improve the human relations environment in which our soldiers live and work, with the specific goal of eradicating sexual harassment.
- ◆ Examine how Army leaders throughout the chain of command view and exercise their responsibility to prevent sexual harassment, specifically addressing behaviors that fail to acknowledge the dignity and respect to which every soldier is entitled.<sup>1</sup>

In his personal charge to the Panel, Secretary West stated that both he and the Army Chief of Staff believed that the views, opinions, and experiences of soldiers should be considered. To that end, the Senior Review Panel traveled around the world to gather first-hand information from the grass roots of the Army. In fact, this assessment provides an unprecedented examination of human relations in the Army, reflecting the collective voice of over 30,000 Army personnel, including soldiers, civilians, and leaders.

### ***The Soldiers' Story***

What follows in subsequent sections of this report is the soldiers' story--what they told the Senior Review Panel about themselves, their leaders, and their Army. It is not always a good news story. The Senior Review Panel found disturbing trends of a declining EO program, a lack of soldier confidence in some of their leaders, and a human relations environment in which inappropriate behavior is often tolerated and in

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<sup>1</sup> A copy of the Senior Review Panel Charter signed by the Secretary of the Army is at Annex A, Volume I.

which the concept of “respect and dignity for one another” has not always been practiced.

## ***A Time for Change***

Recommendations emanating from this report represent what the Senior Review Panel believes are those crucial first steps that the Army must take as it moves towards meeting the challenges of the 21<sup>st</sup> Century. These recommendations, firmly grounded in the Panel's collection and analysis of data, focus on making systemic change in the Army's human relations environment.

General Creighton W. Abrams, Army Chief of Staff from October 1972 to September 1974, had a steadfast belief in the Army's soldiers. He said:

*People are not **in** the Army, people **are** the Army.<sup>2</sup> . . . By people I do not mean personnel. . . . I mean living, breathing, serving, human beings. They have needs and interests and desires. They have spirit and will, and strength and abilities. They have weaknesses and faults; and they have means. They are at the heart of our preparedness . . . and this preparedness--as a nation and as an Army--depends upon the spirit of our soldiers. It is the spirit that gives the Army . . . life. Without it we cannot succeed.<sup>3</sup>*

When told on one occasion by a staff member that company grade officers were idealistic, General Abrams replied, “Yes . . . and our job is to keep them that way.”

If there is an overarching theme to this report, it is this: we must rededicate ourselves to the fundamental truths so eloquently stated by General Abrams. We must strengthen the human relations environment in the Army. Personnel readiness relies on a positive human relations environment. It is the vital base upon which we build the Army, and the combat effectiveness of the Army's most important weapon system--the soldier. In strengthening the bonds of trust among all soldiers, we will ensure that the United States Army remains our nation's preeminent fighting force for today, tomorrow, and into the future.

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<sup>2</sup> Lewis Sorley, *Thunderbolt* (New York, New York: Simon & Schuster, 1992), p. 346.

<sup>3</sup> Lieut. Gen. Harris Hollis, “The Heart and Mind of Creighton Abrams,” *Military Review*, April 1985, p. 63.

## **Part II**

### **RECOMMENDATIONS**

The Army is an institution grounded in seven core values: honor, integrity, selfless service, courage, loyalty, duty, and respect. When respect for the individual soldier is not maintained, the Army's human relations environment suffers. Combat readiness is directly correlated with a unit's human relations environment; a "do more with less" approach and a "zero defects mentality" lead to a diminished human relations environment that causes soldiers to lose trust and confidence in their leaders. That loss of faith, in turn, degrades combat readiness.

Our Army is the preeminent military ground force in the history of the United States, and the world. This status is key both to decisive success in combat and to the deterrence of would-be aggressors. Should we fail to promote a healthy human relations environment in a timely and effective fashion, our ability to fight wars and promote peace will surely suffer. The recommendations that follow are designed to address the broad scope of issues identified by the Panel, not to solve each and every shortcoming noted within the body of the report.

## ISSUE 1: Leadership

- ◆ **Leadership is the key to the problem of sexual harassment in the Army and the key to the solution to that problem.**

Leaders set the values compass for the Army; it is from them that respect and dignity flow. Many leaders are currently seen as practicing a zero defects mentality, caring only about themselves and their careers. Soldiers do not uniformly have trust and confidence in their leaders. Unfair treatment, double standards, and a lack of discipline were raised to Panel representatives time and again during team visits to various installations and commands. Such a negative view of leaders is counterproductive to the objectives of EO, unit cohesion, and combat readiness. It is also indicative of a serious communication problem between leaders and the led. A leader needs to be sensitive to the possibility that young soldiers' experiences may be very different from the leader's own.

Overarching the leadership issue are systemic problems that need to be addressed to remedy leadership failures in general, and sexual harassment and other human relations problems in particular. Both unit and individual leadership and human relations training have disconnects throughout the Army. Army leadership doctrine does not effectively address the critical nature of the human relations environment as it relates to the warfight. There is no DA level proponent for unit leadership or human relations programs and training. Individually, there is no systemic synchronization at any of the precommissioning sources (United States Military Academy, Reserve Officers' Training Corps, Officer Candidate School) or at U.S. Training and Doctrine Command (TRADOC) schools for individual training.

According to Army Regulation 600-100, *Army Leadership*, Headquarters, Department of the Army (HQDA) staff responsibility for leadership and leader development is divided between the Deputy Chief of Staff for Personnel (DCSPER) and the Deputy Chief of Staff for Operations (DCSOPS). This division of responsibilities and functions between these two staffs is confusing because of the blurring of the definitions for leadership and leader development. Leadership doctrine is the responsibility of the Center for Army Leadership (CAL) at Fort Leavenworth, a part of the Combined Arms Center and TRADOC. The Center for Army Leadership was intended to be the center of gravity for Army leadership, but has been unable to maintain a strategic viewpoint because of its location within TRADOC. The Center for Army Leadership is including a chapter on values in the new Field Manual (FM) 22-100, *Military Leadership*. This is a step in the right direction, but falls short of ensuring a fully integrated, concentrated effort, and a central point for all aspects of doctrine related to leadership in terms of human relations.

Findings indicate that leadership and human relations are not currently embedded in warfighting doctrine and thus are not considered important. Leaders at training centers are focused on future concepts and doctrine and do not spend enough

time on personal leadership tasks. Our training centers do not include leadership or human relations as a specific battlefield operating system.

#### **ISSUE 1 RECOMMENDATIONS:**

- ◆ Assign to one DA staff agency the primary responsibility for leadership, leader development, and human relations for the Army.
- ◆ Designate a center of gravity for leadership and human relations doctrine within the Army, which reports directly to the DA staff proponent.
- ◆ Make leadership and human relations readiness part of the monthly Unit Status Report for all units.
- ◆ Make the concepts of leadership and human relations a battlefield operating system at our training centers, and an integral element of Army leader development.
- ◆ Effectively incorporate the human dimension of warfare into Army operational doctrine.
- ◆ Refocus senior leaders on the personal leadership role only they can perform.



## **ISSUE 2: Human Relations Environment**

While the human relations environment is a force protection and unit cohesion issue that directly contributes to combat readiness, it has not been viewed as a combat multiplier by some Army leaders. Over the past several years, DA has reduced the human resource structure responsible for the human relations environment for DA as a whole. Consequently the Army's ability to provide strategic direction, integration, and oversight of human relations has significantly diminished and the Army's ability is limited to reacting to events as they occur. To address the issues surfaced by the Panel, DA requires a significantly better staffed and organized team of human relations professionals who are well trained to take steps to address our human relations problems.

### **ISSUE 2 RECOMMENDATIONS:**

- ◆ Conduct a critical review of the staffing and organization of the Department of the Army elements responsible for human relations problems and issues.
- ◆ Immediately augment staffing levels with trained professionals to address actions surfacing during the review and while proposed restructuring and resourcing is being implemented.

### **ISSUE 3: Human Relations Policy and Practices**

Although current human relations policy is adequate as written, it has not been effective in practice. Had existing policy been executed by commanders as intended by DA, the Panel's work might well not have been necessary. Commanders are not the exclusive agents responsible for ensuring compliance with Army policy. Responsibility for developing packages and tools to support commanders in policy execution is vested in agencies below HQDA. Unfortunately, many of these agencies are inadequately resourced to execute their mission. Representative examples are TRADOC Headquarters and the U.S. Army Soldier Support Institute (SSI). Tasked to develop the EO training support packages (TSPs) for TRADOC, SSI has but one authorized position for this critical job. Until the Army applies its resources to solving problems in the human relations environment, the problems will continue and probably become more severe.

#### **ISSUE 3 RECOMMENDATIONS:**

- ◆ Make comments on the state of their organizations' human relations environment mandatory in leaders' officer evaluation reports (OERs) and noncommissioned officer evaluation reports (NCOERs).
- ◆ Conduct a critical review of the resourcing of those agencies responsible for assisting commanders in implementing and executing human relations policy.
- ◆ Immediately augment staffing levels with trained professionals for those agencies to deal with current requirements until the review is concluded and while its proposed resourcing is being implemented.

## **ISSUE 4: Human Relations Training**

Training in the Army is much more than preventive maintenance; it is the critical way in which Army doctrine is embedded into Army operations and into the hearts and minds of soldiers. Human relations training, of which EO and the prevention of sexual harassment (POSH) are important parts, is inadequate and ineffective. Soldiers uniformly find POSH training is monotonous, viewing it as no more than a compulsory formation to be endured to satisfy a requirement. When taught, POSH is segregated from other topics, lecture-based, repetitive, and neither progressive nor sequential. Leaders are not personally involved in the training and seldom attend. The inadequate content and ineffective methods of human relations training throughout the Army diminish the stature and emphasis on human relations issues within the Army.

### **ISSUE 4 RECOMMENDATIONS:**

- ◆ Embed human relations training in the Army training system as a doctrinal imperative.
- ◆ Ensure that leaders and other human relations trainers are adequately trained and prepared to conduct progressive, sequential, interactive, small group human relations training, and provided the proper training support packages for the conduct of this training.
- ◆ Task TRADOC to conduct a comprehensive review of the programs of instruction of all leader development training to ensure that human relations training is embedded in every training program, including all pre-command courses.
- ◆ Assign proponentcy for human relations training to the appropriate level within TRADOC.
- ◆ Ensure that leaders participate in human relations training with their soldiers.
- ◆ Hold leaders accountable for preparing and executing human relations action plans in support of the Army.

## **ISSUE 5: Equal Opportunity Policies and Processes**

One of the key charges to the Panel was to assess how well EO policies and processes serve the individual soldier. During the 1980s, staffing for the Army's EO program diminished and the military occupational specialty (MOS) for human relations specialists was deleted from the inventory. Commanders went from being assisted by a core of trained and seasoned professionals to soldiers rotating in and out of the program for one tour of duty outside their principal MOS after being trained at the Defense Equal Opportunity Management Institute (DEOMI). By rotating equal opportunity advisors (EOAs) into and out of the EO program, the Army hoped to reinforce a positive human relations environment throughout the Army; this did not occur. Commanders were expected to ensure that the EO program emphasis was maintained. Instead, other responsibilities were allowed to override those of the EO program and EO resources were among the first to be cut during the current drawdown of the Army force structure.

Further exacerbating the problem of inadequate EOA resources is the rapid expansion of the number of tenant activities on Army installations. The installations are not staffed with sufficient EOAs to handle EO issues. Current policy dictates that tenant activities must use their own unit's EO resources. Thus tenant activities must rely on EOA resources residing at other locations with their parent unit. Parent units can be hundreds, even thousands, of miles distant.

Equal opportunity in the Army has been marginalized, under-resourced, and dismissed as a distraction rather than a combat multiplier. The extent to which the program has worked as well as it has is a tribute to those dedicated, committed EO personnel working hard to ensure that soldiers' needs are effectively addressed; as well as those commanders who, as exceptions to the rule, have actively participated in and supported human relations as a combat readiness multiplier.

Notwithstanding these laudatory efforts, the failure of the EO program is a leadership failure from which our soldiers are suffering. Clearly the system suffers from a lack of credibility and effectiveness. Reconstruction of the program will require a major effort.

### **ISSUE 5 RECOMMENDATIONS:**

- ◆ Re-engineer the EO program from top to bottom to make it responsive to leaders and soldiers, to protect those who use it, and to ensure that those working in it are not stigmatized. Re-engineering should address the need for a human relations military occupational specialty and an improved rank structure for all EOAs.

◆ While the program is being re-engineered:

--Establish and sufficiently staff a Directorate for Strategic Human Resources with responsibility for assessing, training, researching, benchmarking, reporting, and integrating EO program activities.

--Properly resource EOA positions by rank and grade in accordance with current regulatory guidance.

--Provide adequate host installation EOA resources for tenant activities.

--Monitor training support package development.

--Make EOA utilization and human relations/equal opportunity training a mandatory item in Quarterly Training Briefs.

--Explore the need for a temporary sexual harassment assistance office at the installation level until trust and confidence can be reestablished in the EO complaint system.

--Implement a "Respect for Others" program patterned after the Military District of Washington's "Consideration of Others" program for Army Active Component, Reserve Components, Reserve Officers' Training Corps (ROTC), and Officer Candidate School (OCS).

--Either properly train and assign equal opportunity representative (EOR) duties to senior noncommissioned officers (NCOs) or eliminate EOR positions altogether and hold the commander personally responsible for EO unit training.

--Ensure commanders understand the EO program and personally participate in EO training.

--Embed human relations training in all leadership training.

## **ISSUE 6: Climate Assessments**

The human relations environment is first and foremost a combat readiness issue. Anticipating issues and preventing problems is one of the most important steps in ensuring a positive human relations environment. A climate assessment survey provides leaders with a baseline appraisal of a unit's environment and can be key to promoting a commander's understanding and awareness of his/her unit's human relations environment. Currently, climate assessments are encouraged, not required. The assessment instruments are neither standardized nor effective, nor are they readily available to commanders. Periodic command climate assessments must be conducted. Leaders must be held accountable for this important aspect of combat readiness.

### **ISSUE 6 RECOMMENDATIONS:**

- ◆ Develop and field a command climate assessment instrument tailored to each type unit.
- ◆ Mandate the conduct of a command climate assessment down to company-sized units at least annually.
- ◆ Provide standardized guidance from HQDA concerning the use of assessment results.
- ◆ Create a mechanism for holding commanders accountable for command climate.

## **ISSUE 7: Army Command Policy**

Interim change 4, chapter 6, AR 600-20, *Army Command Policy*, expired almost two years ago. Since that time, the proponent has revised, but not published, the regulation. Many important changes are captured in the revision and would provide important guidance to the field Army. There are also other Army agencies responsible for human relations documents (e.g., Department of the Army pamphlets and training circulars) that depend on the information published in the regulation as the basis for revising the documents for which they exercise responsibility.

Over the past two years, each time the proponent was prepared to publish the revised regulation a new issue would surface. In response, the proponent would halt publication awaiting resolution of the problem and related regulatory changes. Until the revised AR 600-20 is published, the field Army will fall farther and farther behind in understanding and applying human relations policy and guidance.

### **ISSUE 7 RECOMMENDATION:**

- ◆ Publish AR 600-20 immediately and publish interim changes as they develop.

## **ISSUE 8: Support for Training Base**

Being a soldier is a learned behavior. If soldiers fail to appreciate that good order and discipline, Army values, and teamwork are the essence of the Army, the soldierization process has failed. Our soldiers represent a cross section of the Nation's young people who come into the Army with their individual outlooks on life and individual value systems. It is through the Army's soldierization process that they become equal members of the Army team--that they become soldiers. If we expect soldiers of both genders, all races, and diverse backgrounds to live and work together as a team, soldierization must teach them how to accomplish this task.

This mission belongs to the training base. The training base is woefully under-resourced to accomplish its assigned mission. With the proper resources, the Army might have avoided many of the breakdowns in discipline that have been so highly publicized. The command and control structure is inadequate, and the soldierization process suffers as training cadre are extended beyond their physical, mental, and emotional limits.

A key to addressing human relations issues, including sexual harassment, is assigning enough female role models to set the example for all trainees. Twenty percent of Army accessions are women, but the training base is composed of only ten percent female drill sergeants. Further, combat arms personnel, who have the least experience in dealing with sexual harassment issues, comprise the majority of key command and cadre positions. Most of these leaders, whether combat arms or not, have not received adequate training in how to deal with sexual harassment issues that may arise in their units. Added to this void are reorganizations and consolidations, which over the last several years have created gaps in the command and control structure, leaving no one to monitor the environment of trainees.

The same facts and almost identical issues apply to recruiters who serve as the Army's interface with the American public. Recruiters and drill sergeants hold positions of similar difficulty and importance, and they set the example not just for new recruits but for the Nation as a whole.

### **ISSUE 8 RECOMMENDATIONS:**

- ◆ Task TRADOC to review the command and control structure at each installation responsible for IET and, where it is inadequate, remedy it.
- ◆ Increase the length of IET to allow for more intense, more rigorous soldierization and the inculcation of Army values.
- ◆ Better utilize drill sergeants as trainers of Army values.



- ◆ Staff drill sergeant, command and cadre positions, and recruiting positions with a more appropriate mix of trained men and women professionals.

## **ISSUE 9: Initial Entry Training**

New recruits form and hold their most lasting impressions of the Army from the cadre they encounter during IET. These leaders have more contact with young trainees than any other leadership segment of the Army. Their preparatory training, key to their success in this role, is inadequate. Drill sergeant school and instructor training courses do not provide the essential tactics, techniques, and procedures required of leaders assigned to the critical tasks of influencing the soldierization process. Instruction must focus not only on dignity and respect for recruits and their fellow soldiers, but provide realistic insights into what leaders will face and techniques for handling inappropriate behaviors by members of their units and for handling the potential for inappropriate personal behavior. Training must equip leaders with the tools they will need to conduct continuous evaluations of their units for inappropriate behaviors and teach them how to recognize and deal with those behaviors when they occur.

Currently drill sergeants are trained at three different locations. Creating three quality human relations training programs would be unnecessarily difficult and only add to the overhead costs associated with running three training sites. More importantly, one drill sergeant school would ensure uniform quality, maximize use of resources, and bring greater and more consistent focus and attention to this critical human relations training shortcoming.

Recruiters are similarly hampered by a lack of training in how to deal with handling the inappropriate behaviors of prospective enlistees and how to handle their own potential for inappropriate personal behavior.

In addition to drill sergeants and recruiters, the quality of the other soldiers and civilians who support training is very important. For example, drivers from the motor pool, administrative clerks at reception and processing stations and in units, and supply clerks, require similar training in recognizing and preventing inappropriate personal behaviors.

### **ISSUE 9 RECOMMENDATIONS:**

- ◆ Improve IET cadre and recruiter training to include tools and techniques for addressing inappropriate behaviors in units and for recognizing and interrupting the potential for inappropriate personal behavior.
- ◆ Incorporate ethics and human relations training in recruiting and IET cadre courses, to include professionally facilitated sensitivity training.

- ◆ Combine the three separate drill sergeant schools into one school, properly resourced and staffed to educate all Army drill sergeants to a given standard of excellence.

## **ISSUE 10: Drill Sergeant and Instructor Selection**

It has already been described that drill sergeants and cadre are key elements in the formative stages of a soldier's life in the Army. They are the first and most important contacts new trainees have with the Army and it is imperative that drill sergeant selectees are themselves of the highest quality soldiers. This same philosophy holds true for trainee instructors. It is critical that evaluation criteria and procedures be used to ensure NCOs and officers selected/nominated for drill sergeant, instructor, and cadre positions have the requisite qualifications. Although the Army presently conducts some limited screening of drill sergeant nominees, it does not screen for cadre and instructors.

### **ISSUE 10 RECOMMENDATIONS:**

- ◆ Implement and improve screening procedures for drill sergeants, cadre, and instructors in IET, including psychological screening.
- ◆ Ensure that failure to complete the Drill Sergeant School does not end or mar a candidate's career, unless the failure results from misconduct or failure to meet the baseline requirements for an NCO.

## **ISSUE 11: Advanced Individual Training**

In many locations, AIT has become a “school house” rather than a continuation of the soldierization process of IET. In part, this attitude may have been caused by the shortage of personnel in TRADOC schools. Much of the problem, however, has been caused by the focus on technical skills at the expense of soldier skills and attitudes. In years past, the duration of IET was reduced significantly on the theory that AIT would be a continuation of the soldierization process and not separate from it. Advanced Individual Training has fallen away from that concept, and must be refocused as a continuation of the soldierization process initiated in BCT. Advanced Individual Training must be rigorous, satisfying, and challenging. Advanced Individual Training must not be permitted to adopt a “campus” orientation.

Other detractors also exist at AIT. Service members from other military services and reclassified soldiers attending AIT are treated in a different, much more collegial manner than trainees. Trainees view this treatment as a double standard that further degrades an already troubled environment. Drill sergeants must take on a more meaningful training role in AIT.

### **ISSUE 11 RECOMMENDATIONS:**

- ◆ Implement a renewed AIT approach that focuses on the continuation of the soldierization process begun in BCT as well as tactical, technical, and soldier skills and attitudes.
- ◆ Treat all trainees in a like manner, to include other Service attendees and reclassified soldiers, or place these personnel in separate courses from IET personnel.
- ◆ Increase the training responsibilities of drill sergeants in AIT after the current shortage of drill sergeants is remedied.

## **ISSUE 12: Army Core Values**

The Army is a values-based organization with specific core values. These Army values must be instilled in our soldiers prior to and during IET and must be reinforced throughout their careers. The bonds of trust between our soldiers are built on these common values, the traditions of the Army, the shared disciplined life of a soldier, and the common experiences of working as a team. Initial Entry Training is critical in calibrating the human relations compass of each soldier and setting appropriate expectations for them, their peers, and their leaders. In addition to the previously discussed lack of discipline and rigor in IET, IET trainees lack training in Army values.

### **ISSUE 12 RECOMMENDATIONS:**

- ◆ Develop and provide literature to new recruits on the Army's core values, ethics, and ethos.
- ◆ Build a new training program into IET to inculcate Army values, appropriate behavior, and team building.

### **ISSUE 13: Victim Assistance**

Throughout the Army, soldiers who have been victims of inappropriate sexual behavior have reported incidents to professionals and leaders. These same professionals and leaders have not received sufficient training in working with victims and are left to rely on rudimentary perceptions of how victims want to be treated. As a result, victims are reluctant to report inappropriate behaviors for fear of being re-victimized by the very system that was put in place to deal with their complaints. This reluctance contributes to soldiers' lack of trust and confidence in the chain of command and in Army leaders in general.

#### **ISSUE 13 RECOMMENDATION:**

- ◆ Ensure that professionals and leaders who are expected to deal with soldiers reporting incidents of inappropriate sexual behavior are trained and qualified.

## **ISSUE 14: Confidentiality for Victims**

One of the best ways in which the Army can assist victims of sexual harassment is to ensure that adequate counseling services are available, whether through mental health professionals or chaplains. The real or perceived lack of confidentiality that exists in military mental health and chaplaincy counseling sessions is a tremendous impediment to victims' decisions about whether to avail themselves of these services. When a victim in need of counseling services is worried that whatever he or she says may end up as material for the defense of the perpetrator or serve as the basis for adverse action against the victim, that victim thinks long and hard about seeking help. The Panel heard mental health professionals and chaplains echo the concern regarding victims' confidentiality.

### **ISSUE 14 RECOMMENDATION:**

- ◆ Pursue relief from current rules that limit confidentiality for victims of sexual harassment.



## **Part III**

### **THE SENIOR REVIEW PANEL AND THE REPORT**

#### ***Panel Composition***

To serve as Chair of the Senior Review Panel, the Secretary of the Army recalled to active duty Major General Richard S. Siegfried, a combat arms officer with extensive experience in Army training policies and practices. Six other members were selected for Panel duty.<sup>4</sup> They were Brigadier General Evelyn P. Foote, another veteran officer who was recalled to active duty by the Secretary to serve as Panel Vice Chair; Lieutenant General Claudia J. Kennedy, Deputy Chief of Staff for Intelligence; Major General Larry R. Ellis, Commanding General, 1st Armored Division; Mr. John P. McLaurin III, Deputy Assistant Secretary of the Army (Military Personnel Management and Equal Opportunity Policy); Mrs. Ruby B. DeMesme, Deputy Assistant Secretary of the Air Force (Force Management and Personnel); and Command Sergeant Major Cynthia A. Pritchett, the Post Command Sergeant Major at Fort Belvoir, Virginia.<sup>5</sup>

#### ***Consultants***

Secretary West also named three consultants to assist the Panel. They were Brigadier General Mary Morgan, Commanding General of the U.S. Army Soldier Support Institute; Judith A. Youngman, Ph.D., Chair of the Defense Advisory Committee on Women in the Services; and Mady Wechsler Segal, Ph.D., a professor in the Department of Sociology at the University of Maryland. They provided advice to the Panel throughout its deliberations.

In addition to these consultants, the Panel members called upon other individuals from both the military and civilian sectors whose knowledge and subject matter expertise were of invaluable assistance throughout the Panel's deliberations. These included Lieutenant General Robert H. Forman, USA(Ret.), former Deputy Commanding General for Training, U.S. Army Training and Doctrine Command; Colonel Karen L. Frey, USA(Ret.), Human Resource Consultant; Dr. Annabel Hagood, Professor Emerita, University of Alabama; Mr. Dan Lumpkin, Lumpkin and Associates; Dr. Laura Miller, Harvard University Fellow; and Dr. Naomi Verdugo, Senior Demographer in the Office of the Deputy Chief of Staff for Personnel (ODCSPER), HQDA.

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<sup>4</sup> The Panel originally had nine members. Early in the Panel process, two members' requests to be excused were approved by the Secretary.

<sup>5</sup> Biographies of the Panel members are found in Annex B, Volume I.

## ***Panel Working Group***

To support the Senior Review Panel, a working group of more than 40 soldiers and civilian employees was assembled. Included in this group were officers and NCOs from combat, combat support, and combat service support branches. Some members were former drill sergeants or former recruiters; other members were soldiers trained at and assigned to DEOMI or within ODCSPER. A DA civilian employee with many years of experience in the equal employment opportunity (EEO) program was also a member of the working group. Seven of this group's members hold Ph.D.s with expertise in social psychology, anthropology, industrial/organizational psychology, sociology, and organizational behavior. Legal experts and officers from the Reserve Components provided additional depth. In all, the working group reflected a diverse array of backgrounds, races, ranks, and perspectives, bringing a rich mix of professional experience to bear on the issues being addressed.

## ***Panel Organization***

The Panel organized itself into four teams. One team dedicated its main effort to a review of Army policies and acted as a sustaining body for the other teams which were organized as field teams for data collection. On the average, each traveling team had six soldiers and one civilian employee as members. Uniformed members included an NCO with drill sergeant experience, an officer with human resource management experience, and an NCO trained at DEOMI. The civilian member of each data collection team was a scientist assigned to the U.S. Army Research Institute for the Behavioral and Social Sciences. In their travels, each field team was accompanied by a Senior Review Panel member, who was either the Chair, the Vice Chair, or the Deputy Assistant Secretary of the Army. All other Panel members traveled with teams as often as their other duties permitted.

## ***Panel Preparation***

Prior to traveling, the Panel and working group members received a series of briefings, as well as extensive training from agencies within DA or the Department of Defense (DoD). Representatives from DEOMI briefed on EO programs. Officers of the Office of The Judge Advocate General briefed the legal aspects of sexual harassment, and Department of the Army Inspectors General covered the status of sexual harassment investigations ongoing within their agency. The U.S. Army Training and Doctrine Command and one of its major subordinate commands, the U.S. Army Soldier Support Institute, provided personnel to present information concerning EO training programs and initiatives. The policy dimension of EO was discussed by representatives from ODCSPER. The status of sexual harassment investigations was briefed by members of the U.S. Army Criminal Investigation Command.

## **Methodology**

Four methods were used by the Panel to assess the human relations environment of the Army. The data collection entailed sampling from Army leaders, soldiers, and civilians.<sup>6</sup>

**Individual Interviews.** First, Panel members and field teams conducted individual interviews with the Army's military and civilian leaders, mental health professionals, equal opportunity (military) and equal employment opportunity (civilian) personnel, chaplains, and judge advocates. Using carefully developed interview protocols, these key individuals were asked their perceptions and recommendations concerning the human relations environment in their commands. Their comments were then entered into a computer program for categorization, coding, and analysis.

**Focus Groups.** Focus group sessions were the second method of data collection. The sessions consisted of single-gender groups of eight to twelve people stratified into distinct categories (i.e., junior enlisted soldiers, junior NCOs, senior NCOs, company grade officers, field grade officers, civilian employees, drill sergeants, instructors, and trainees). Each focus group was restricted to one of these categories. Participants were randomly selected by the last digit of their social security number. Focus group facilitators and note takers, also the same gender as the group, conducted their sessions by using protocols which contained standardized questions about the human relations environment. As with the interview data, the focus group data were entered into a program for subsequent analysis.

**Surveys.** The third data collection method was a written survey which addressed the subjects of leadership, cohesion, and sexual harassment. In order to accommodate different types of groups (i.e., company-level units, military students, and the training base) several survey versions were used. They were administered by working group members to entire randomly-selected company-sized units. Subsequently, the data gathered were analyzed by using a standard statistical software package.

**Observation.** The Panel's fourth method of data collection was by observation. Panel members spoke with soldiers, leaders, civilians, family members, and others who provided their perspective concerning the human relations environment in which they worked and/or lived. Panel members spent many hours visiting barracks, dining facilities, recreation centers, gymnasiums, and other soldier facilities. Wherever they traveled, they took a measure of whether soldiers lived and worked in an atmosphere characterized by respect and dignity. Insights gathered worldwide proved to be invaluable complements to the voluminous amount of scientific data. In addition, a detailed outbrief to the senior leaders at each location visited allowed them to immediately begin taking corrective actions.

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<sup>6</sup> Detailed methodological discussions are found in Volume II of this report.

## Scope

The Panel conducted an extensive policy review, collected data at 59 Army installations throughout the world,<sup>7</sup> and completed exhaustive analysis of the data collected. After more than seven months of intensive study, 808 Army leaders had been interviewed, 7,401 soldiers and 1,007 civilian employees had participated in focus groups, and 22,952 soldiers had completed surveys.

## The Report

The report reflects the results of the effort described above. It must be noted that the Panel could not have completed its work without the willing cooperation of the soldiers, leaders, and civilians with whom we met. In many cases, their input was provided with personally painful recollection of incidents of mistreatment. We acknowledge how difficult it was for them to air emotionally charged feelings and we appreciate everyone's frank participation in the data collection.

**Non-attribution.** Throughout our study we observed strict rules of confidentiality, and the data contained in this report adheres to that same standard of non-attribution. Where we have used direct quotations, we have kept them anonymous. These quotations have been carefully selected to be illustrative of what we heard overall. They are not idiosyncratic and are not intended to single out any one individual as unique or distinct in their comments.

**Definition of Terms.** There are terms used throughout this report for which a common understanding is essential. The following definitions establish this frame of reference for future discussion within the report:

- ◆ **Commanders.** The term "commanders" refers to officers holding command positions.
- ◆ **Equal opportunity.** Equal opportunity is a principle fixed in law that recognizes the right of an individual to consideration and treatment based on merit, fitness, and capability without regard to race, color, religion, gender, or national origin. In any discussion of equal opportunity as an Army policy or program it is important to distinguish between equal opportunity (EO) and equal employment opportunity (EEO). Equal opportunity covers military members and EEO covers civilian employees.<sup>8</sup>

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<sup>7</sup> The list of installations visited is at Annex D, Volume I.

<sup>8</sup> The Panel collected limited data from the civilian work force in the course of its examination of the Active Component. The statistical sample was small and the data inconclusive in terms of assessing sexual harassment in the civilian work force. However, some potential issues and conclusions related to the civilian work force were identified and are discussed in Annex H, Volume 1. The results of the data collection are provided in Volume II.

- ◆ **Human relations.** Human relations are the interactions between people, one with another. Human relations is an overarching term encompassing many dimensions of human interaction including equal opportunity, sex discrimination, and sexual harassment.
- ◆ **Inappropriate behavior.** The term “inappropriate behavior” is derived from the Sexual Experiences Questionnaire (Fitzgerald, 1988), which categorizes sexual harassment behaviors (e.g., crude or offensive language such as sexual jokes; sexist behavior such as displaying pinup calendars; unwanted sexual attention such as touching; sexual coercion; and sexual assault).
- ◆ **Leaders.** “Leaders” include the most junior noncommissioned officer to the most senior commissioned officer.
- ◆ **Sex Discrimination.** Sex discrimination, sometimes referred to as gender discrimination, is discrimination based solely on an individual being male or female. Discrimination based on one’s sex is often linked to a set of assumptions based on sex role stereotypes concerning the abilities, competence, status, and roles of the particular group, resulting in a disparate treatment of or impact on that group.
- ◆ **Sexual harassment.** Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career, or
  - b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

This definition emphasizes that workplace conduct, to be actionable as “abusive work environment” harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. (“Workplace” is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.<sup>9</sup>

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<sup>9</sup> The source of this definition is Department of Defense Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, August 1995. Annex E, Volume I, provides further discussion of sexual harassment.

- ◆ **Soldiers.** Except as otherwise noted, the discussions pertain to active duty soldiers and not to the Reserve Components or to Department of the Army civilian employees.
- ◆ **Trainees.** Those soldiers attending Basic Combat Training (BCT), Advanced Individual Training (AIT), or One Station Unit Training (OSUT).
- ◆ **Trainers.** “Trainers” are defined as drill sergeants and instructors.

**Report Organization.** Our report is divided into two volumes. Each volume begins with the same executive summary and forwarding letter.

**Volume I.** Volume I consists of four parts. Part I is our introduction. Part II summarizes our conclusions and provides our recommendations. Part III has background information on the Panel and the report. Part IV reports the results of our assessment in four subsections. We first review the Army EO Program and then, in turn, examine the Extent of Sexual Harassment and Sex Discrimination in the Army, Leadership, and Initial Entry Training in successive sections.

**Volume II.** Volume II contains a complete explanation of our study scope and methodology and fully details our data analysis. This analysis covers all the data we collected from surveys, focus groups, and interviews. Copies of the instruments and protocols we used are also contained in Volume II.

## Part IV

### SENIOR REVIEW PANEL ASSESSMENT<sup>10</sup>

#### THE EQUAL OPPORTUNITY (EO) PROGRAM

##### *Historical Context*

The EO program policy provides the foundation and sets the framework for the Panel's review. In 1964, the Army established its EO program to ensure equal opportunity and just treatment for soldiers and their families on and off post.<sup>11</sup> That same year, per DoD guidance, the Army implemented its first regulation concerning equal opportunity, AR 600-21, *Equal Opportunity and Treatment of Military Personnel*. Since then, the Army's efforts to achieve equal opportunity have centered around three issues: improving race relations, eliminating gender discrimination, and eliminating sexual harassment.

##### *Race Relations*

During the late 1960s and early to mid 1970s, the Army concentrated on the problem of race relations. The Civil Rights movement, the accompanying unrest of the 1960s, the institutional turmoil caused by the Vietnam War, the end of the draft, and the need to establish a volunteer Army all exacerbated tensions and heightened racial polarization in the Army. Concerned that these problems were affecting unit readiness, the Army directed its efforts toward educating soldiers and leaders, and placing trained EO experts into the field. By 1972, more than 2000 school-trained EO officers and NCOs were on hand, filling formally established positions in Army unit organizational manning tables, to assist commanders in eliminating racism and discrimination in the Army.

The objective of the Army's race relations education program was "to maintain the highest degree of organizational and combat readiness by fostering harmonious relations among all military personnel under Army control."<sup>12</sup> Army policy mandated a yearly 18-hour block of race relations and equal opportunity (RR/EO) instruction for all soldiers, taught by instructors trained at the Defense Race Relations Institute (DRRI).

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<sup>10</sup> Percentages used in this assessment are based on survey analysis. Focus groups and individual interviews were used to give dimension to the quantitative data. The Panel uses the terms "few," "some," "many," and "most" to report the number of responses from focus group and individual interview analyses. "Few" means 25% and below, "some" means 26% - 50%, "many" means 51% - 75%, and "most" means 76% and above.

<sup>11</sup> A more detailed discussion of the history of the Army's EO program is at Annex E, Volume I, "Review of Policies," and Annex F, "Events Connected With Equal Opportunity in the Army Since 1947."

<sup>12</sup> Dep't of Army, Regulation 600-42, Race Relations Education for the Army, para. 2 (December 11, 1973).

Unit commanders, however, had no responsibility for EO training. In 1973, AR 600-21, newly titled as *Race Relations and Equal Opportunity*, placed the responsibility for conducting the unit RR/EO program squarely on the chain of command. Surveys showed this directed focus increased soldiers' trust that the Army was serious in solving the most pressing EO problems.

### ***Army Proponency***

In 1971, the Office of Equal Opportunity Programs (OEOP) was established as a division in ODCSPER to carry out the development, management, and execution of the EO program. The OEOP was originally under the direction of a general officer and senior colonels. By 1985 the OEOP was just a small branch within the Leader Policy Division of the Human Resources Directorate (HRD), ODCSPER, under the direction of a major. In 1986, the HRD was disestablished with its remaining functions going to other directorates. In 1990, the HRD was reestablished to more centrally manage human resources programs. Today's OEOP, now authorized a lieutenant colonel and sergeant major, is located within the Leadership Division of HRD, ODCSPER. The Deputy Assistant Secretary of the Army for Military Personnel Management and Equal Opportunity Policy has the responsibility for monitoring the Army's EO program. The DCSPER, a member of the Army General Staff, is responsible for the development, management, and execution of the EO program.

### ***Women in the Army***

While women's issues were evident during the years of the Women's Army Corps (WAC), the WAC chain of command typically ensured the resolution of problems when and where they occurred. Change began in 1973 with the end of the draft and the beginning of the all-volunteer Army. A policy decision was made to expand the number of Army women and to integrate them more widely into Army career fields. This decision was made in part to sustain a quality force in the post-draft era and to ensure the viability of the all-volunteer Army. Also, in 1973, the Army implemented a policy change to provide for equal opportunity and treatment for uniformed members without regard to not only race, color, religion, or national origin, but also gender.

Organizationally, the years 1972 to 1978 were years of change: women entered the Army ROTC program in 1972, began integrating into Table of Organization and Equipment (TOE) units in 1975, and enrolled at the United States Military Academy (USMA) in 1976. By 1977, women started training alongside men in basic training, and female officers served in all branches of the Army except combat arms. In 1978, the Women's Army Corps was disestablished and women were integrated into the Army. By 1990, women could serve in 90% of the Army enlisted MOSs, and in January 1994, the Secretary of Defense directed that all positions be opened to women except those in units below brigade level that had a primary mission of engaging in direct ground combat.



## ***Command Responsibility***

In 1977, the Army changed the name of its basic EO regulation to *Equal Opportunity Program in the Army*. This regulation affirmed that the EO program was a single, integrated program that concerned all military members of the Army. Commanders at all levels were responsible for the development and implementation of EO programs for their organization. The major commands (MACOMs) specified minimum unit EO training requirements for subordinate organizations consistent with command needs and local conditions. It was left to individual commanders to determine the content and development of local programs.

In 1988, the Army incorporated AR 600-21 into AR 600-20, *Army Command Policy*, sending an even stronger signal that EO was intended to be a command program. Chapter 6 of AR 600-20, which establishes the current Army EO program, is explicit in affixing responsibility on the chain of command. Chapter 6 also establishes EO hotlines at all installations, prescribes EO policies, defines sexual harassment, lists the staffing requirements and duties of EOAs, explains the complaint process, addresses mandatory unit training requirements, and outlines the parameters for professional military education course training requirements.

## ***DoD Sexual Harassment Definition***

The Army last updated Chapter 6 of AR 600-20 in September 1993, with Interim Change 4. Change 4 expired in September 1995. A new AR 600-20 has been drafted and is pending publication.<sup>13</sup> The existing regulation does not incorporate verbatim the 1995 DoD definition of sexual harassment, as required by DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, August 18, 1995.<sup>14</sup> Under the provisions of AR 600-20, commanders must develop an affirmative action plan and review it at least annually. Guidance to the field in this area also is outdated in that the DA Affirmative Action Plan, found in Department of the Army Pamphlet (DA Pam) 600-26, was last published in May 1990.

## ***Complaint System***

In 1993, the Army restructured the complaint system described in AR 600-20 in response to a reported lack of confidence in the old system. Although the primary and preferred channel for identifying and correcting discriminatory practices is the chain of command, the new system gives a soldier a number of alternative channels for filing complaints if the complainant feels uncomfortable in filing a complaint with the chain of command, or if the complaint is against a member of the chain of command. Other channels available to soldiers include the EO advisor, inspector general (IG), chaplain,

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<sup>13</sup> ODCSPER is currently revising and updating AR 600-20 pending the recommendations from this Panel's report.

<sup>14</sup> The Army's definition of sexual harassment is found in Dep't of Army, Regulation 600-20, Army Command Policy, para. 6-4 (March 30, 1988) (IO4, September 17, 1993).

provost marshal/criminal investigation command, medical agencies, staff judge advocate, and housing referral office. Ultimately, the chain of command is responsible for ensuring that human relations issues are taken seriously and acted upon as necessary.

### ***Command Authorities***

Commanders have the authority under current law, rule, and regulation to deal with cases of unlawful discrimination or sexual harassment. Army Regulation 600-20, paragraph 4-4, "Soldier Conduct," provides that "[e]nsuring the proper conduct of soldiers is a function of command. Commanders rely upon all leaders in the Army . . . to . . . [t]ake action against military personnel in any case where the soldier's conduct violates good order and discipline." Although chapter 6 of AR 600-20 is not punitive, the commander's inherent authority to impose administrative sanctions and the nonjudicial punishment and punitive articles of the Uniform Code of Military Justice (UCMJ) provide commanders with sufficient authority to enforce Army policy in matters of discrimination and harassment.

Commanders have the full range of administrative actions available to them to deal with violators of Army policy on equal opportunity, including sexual harassment. A commander can initiate administrative action against a soldier who committed an offense, as a single action or in conjunction with action under the UCMJ. Administrative action is meant to be corrective and rehabilitative. These actions range from counseling to involuntary separation.

When administrative measures are inadequate due to the nature of the offense or the record of the soldier, nonjudicial punishment and trial by court-martial are available for use by a commander depending on the severity of the offense. If a commander decides, after investigation, that an offense is too serious for nonjudicial punishment, authorized by Article 15, UCMJ, then the commander may seek to have charges referred for trial by court-martial. A commander may also forward charges for disposition by a superior commander.

### ***Panel Assessment of the EO Program***

The Panel's review of the Army's EO program began with a review of the purposes served by specific policies and procedures and concluded with an assessment of how well these policies and procedures serve the individual soldier in practice. Four main concerns emerged from the review: institutional commitment to the EO program; trust on the part of soldiers in the EO complaint system, which, if absent, inhibits effective communications between soldiers and their leaders; EO training; and EO resourcing.

## ***Lack of Institutional Commitment***

### **♦ Many commanders have not demonstrated commitment to the EO program.**

Thirty-three years after implementing its EO program, the Army continues its attempts to eradicate discrimination. It has long been a leader in this effort, but is now in danger of failing to meet its own standards. The experience of the Army in dealing with race relations, gender discrimination, and sexual harassment has been that a successful program depends in large measure on unit leaders' perceptions of how these problems affect combat readiness--the greater the perceived effect on combat readiness, the higher the level of command emphasis and the better the EO program. The current EO program is a command responsibility, therefore command emphasis is critical to successful implementation.

Unfortunately, many commanders fail in their responsibility to develop and implement the EO program within their organizations. In failing to accept the EO program as their personal responsibility, these commanders delegate its operations to a subordinate (e.g., the executive officer, adjutant, command sergeant major, or the EO advisor). Viewed another way, many commanders are not committed to the EO program because they do not see the value added. While the value of the EO program to the human element, the individual soldier, should be self-evident, it is not. Correcting this misperception will require a solution driven by senior leaders.

### **♦ The number of equal opportunity advisors (EOAs) assigned is unacceptably low.**

Army Regulation 600-20, paragraph 6-6a(2), states that one enlisted soldier (sergeant first class or higher) with primary duty as an EOA will be available full-time as the advisor for each brigade-level or equivalent and higher unit commander.<sup>15</sup> As evidenced by Table 1, however, neither EOA authorizations nor the assigned strength comply with the prescribed policy.

**Table 1--EOA Staffing as of March 31, 1997**

Regulatory Requirement		Authorizations		EOAs Assigned	
Officer	Enlisted	Officer	Enlisted	Officer	Enlisted
36	547	16	324	16	277

Of the 547 enlisted positions required by regulation, only 324 (59%) are authorized as positions to be filled. Of those positions authorized for fill, only 277 (51%) have EOAs assigned. Manning documents that establish positions and actions needed to fill these positions are normally established and initiated by the individual

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<sup>15</sup> A brigade is comprised of approximately 2,000 soldiers.

commands. As the Army has drawn down its force, some of the first positions cut have been EOA positions. The fundamental reason for these cuts was that other positions were seen as more directly tied to unit readiness and thus more important. This failure to comply with established policy indicates that the EO program is not seen as a priority in many commands. The EOA positions were simply shifted to meet other needs in a downsizing, “do-more-with-less” environment.

Officers face a unique situation regarding EOA coverage. With only sixteen officer EOAs in the Army, officers must consult with enlisted EOAs or use other less skilled alternatives. According to focus group comments, this situation contributes to a general reluctance on the part of officers to seek help if sexually harassed.

♦ **Current EOA demographics give the appearance of a minority or woman’s program.**

The current demographic make-up of EOAs does not parallel the demographic make-up of the Army. Enlisted EOAs are currently 56% black, as compared to the Army’s enlisted composition of 27% black. Women comprise 32% of enlisted EOAs, while 14% of the Army’s enlisted force are women. This finding gives unintended support to the common perception held by many leaders and soldiers that the Army’s EO program is irrelevant--a peripheral program designed for and comprised of only minorities and women.

The Commanding General, U.S. Total Army Personnel Command (PERSCOM), is charged to select officers and NCOs for training and duty as EOAs. Most officers assigned to EO positions are graduates of the two-week Equal Opportunity Program Manager course taught by DEOMI (formerly DRRI). Noncommissioned officers assigned to EOA positions must be graduates of the 16-week DEOMI resident course. A lack of rigor in the selection process has prompted PERSCOM to change its selection procedure for EOAs to one that will be nominative, with centralized management. PERSCOM will also take action to realign EOA demographics with those of the Army by May 1999.

It is imperative that these initiatives, as well as others described later in this section, be implemented and institutionalized. Currently, EO assignments are not considered to be career enhancing for either officers or NCOs. Some officers and NCOs have gone to great lengths to ensure their official records do not reflect the fact that they served in EO positions or attended EO training. Others have been counseled by PERSCOM career managers that EO assignments are not career enhancing. While adequate staffing and education are the central pillars needed to support an effective EO program, until the Army, as an institution, places value on EO duty, it will always be viewed as a less than career enhancing assignment and the EO program itself will be characterized similarly.

♦ **The EO program policy is adequate but has failed in practice.**

Equal opportunity policy, as defined in AR 600-20,<sup>16</sup> has long been viewed by commanders, EOAs, and by Congress as a success story. “The system is in place” was a common statement from leaders interviewed by the Panel. The 1993 revamping of EO complaint procedures was viewed as yet another positive step by both commanders and the EO community at large. In the Fiscal Year (FY) 1995 National Defense Authorization Act, Congress recommended that the other military services adopt the Army’s EO policy and procedures.<sup>17</sup> On paper, the policy is clear and unequivocal; commanders have authority sufficient to enforce the policy, and the complaint procedures are well defined.

Unfortunately, paper policy has not translated into reality in the field. Although many senior leaders in the field actively voiced their support for EO, the actual level of support usually diminished at each successively lower level of the chain of command. Lower level commanders perceive that other missions take precedence; and, as a result, many commanders are not making the EO program a priority, nor taking the necessary steps to implement and institutionalize it.

As has been noted earlier, the EO program is a commander’s program. In 1984, the Army removed the Military Occupational Specialty, “00U” (full time, school-trained EO specialist) for EOAs. With this action, the Army reinforced the fact that the EO program is a commander’s program, but diminished the likelihood of properly trained specialists. Rather than having a corps of trained career professionals assist him/her in operating the EO program, the commander now runs the program with the aid of soldiers from other specialties, who have received training for what is usually one tour of duty as an EOA. The theory behind this shift in approach was a vision that more EO trained soldiers would move into leadership positions over time and, thus, more effectively institutionalize EO Army-wide. That vision, however, has not been achieved. Equal opportunity duty is viewed as something less than beneficial to a soldier’s career. As a consequence, the EO program has suffered.

Views on the EO program itself are quite divergent. Most commanders view the system as functioning properly. Almost all commanders interviewed reported that they can freely investigate and resolve EO complaints. “There is an open climate here, I am encouraged to pursue [investigations],” was the type of comment often heard from commanders. Most EOAs agreed that they are free to make inquiries into discrimination complaints. Many EOAs, however, do not believe they receive enough command support. They cited both a lack of EO support and of commanders’

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<sup>16</sup> “The U.S. Army will provide equal opportunity and treatment for soldiers, civilian employees, and their families without regard to race, color, religion, gender, or national origin and provide an environment free of sexual harassment.” Dep’t of Army, Regulation 600-20, Army Command Policy, para. 6-3a (March 30, 1988) (IO4, September 17, 1993).

<sup>17</sup> National Defense Authorization Act for Fiscal Year 1995, Pub. L. 103-337, § 532, 108 Stat. 2663, 2759 (1994).

understanding of the EO system as frustrating aspects of the job. One EOA remarked, "I have considered asking to be taken out of the EOA position because of the frustration with the command, and four other EOAs that I know feel the same way." Soldiers, on the other hand, often view the system as irrelevant and not working for them; representing the interests of the chain of command rather than the interests of the soldier. Further, some soldiers reported that they do not trust their EOAs or EORs because both work for the commander and not for the soldier. Although the vast majority of EOAs are dedicated, hard-working soldiers, the perceived lack of leadership commitment to the EO program, in general, promotes parallel distrust of EOAs. Policy, no matter how well conceived and written, cannot adequately substitute for commitment on the part of the chain of command.

### ***Lack of Trust in the EO Complaint System***

#### **◆ Soldiers do not use the established reporting system for EO or sexual harassment complaints.**

Soldiers are reluctant to use the EO reporting system because they see no positive benefits for reporting EO violations or sexual harassment. Said another way, the negative consequences of reporting sexual harassment operate to discourage use of the EO complaint procedures.

In effect, the system stigmatizes an individual for reporting. Frequently, complainants find that their working conditions worsen once a complaint is surfaced. Soldiers who complain are often ostracized by other soldiers in their unit and/or by their chain of command, or find themselves being transferred to another unit. In effect, victims are re-victimized by the system. The individual soldier, as a result, often chooses to simply put up with the harassment.

One company grade officer's story illustrates this point: "I was grabbed in a bar by a soldier. I confronted the situation with a witness [reported the violation], but I was made to feel like I had done something wrong. The whole experience was so awful that it might have dissuaded me to ever challenge a situation again." An EOA explained, "The procedures are in place but there is tremendous reluctance to report for fear of bringing unwanted attention or being isolated by others."

In order for the reporting system to operate effectively in achieving the goal of zero tolerance for sexual harassment, positive inducements must come from the entire unit: peers, NCOs, and officers. Unit leaders must take charge, set the example, and lead the way. Unfortunately, in some instances, soldiers who reported sexually inappropriate behavior to their chain of command or other agencies have been mistreated. Most prominently, such mistreatment included insensitive questioning of the soldier victim, together with the implication that, somehow, the victim, not the perpetrator, created the problem.

In the survey administered by the Panel, soldiers were asked, if they had been sexually harassed, how they chose to resolve the sexual harassment. Of the soldiers who indicated that they were sexually harassed in the last twelve months, 12% used the formal complaint system, while 33% resolved their sexual harassment complaint informally. The other 55% apparently chose either to ignore the sexual harassment, or to handle it in a way that they did not consider “formal” or “informal”--handling incidents of sexual harassment themselves or putting up with the sexual harassment rather than using the reporting system. The reasons offered by soldiers for not reporting fall into five basic categories:

***Fear of reprisals from the chain of command and other soldiers.***<sup>18</sup> This was the most often stated reason given by soldiers. One soldier remarked, “You can report it, but they get you sooner or later.” A senior NCO stated, “Various reprisals will result if you report. Reporting can affect favorable actions such as assignment considerations, adverse NCOER/OER,<sup>19</sup> etc.” Another soldier stated, “Experience has been that every woman that filed a complaint was out in two years for one reason or another.” A junior NCO said, “I’d report it, but after you’ll have to go through hell and high water.” One soldier stated, “You get labeled as a troublemaker, get bad mouthed if you file any kind of claim, it goes into your permanent file.” Another said, “You become a problem and whistleblower stuff does not work.” Other soldiers responded that they could endure the harassment until it stopped or they left the unit, so as “not to hurt my career.” In the training base, trainees feared being kept in a holdover<sup>20</sup> status and thus were reluctant to report sexual harassment.

***Distrust of the system.*** Often, the EO reporting system is seen as an extension of the chain of command, there to protect the chain of command as opposed to assisting soldiers. A soldier stated, “The good old boy system works here. A buddy is not going to call another buddy on sexual harassment.” A field grade officer stated, “I don’t believe that the leadership at this installation would do the right thing in solving problems.”

***A belief that nothing will be done if they do report.*** Many soldiers believe that the chain of command will not act on a complaint. One soldier stated, “I’m not afraid of something happening, I’m afraid of nothing happening.” “Nothing happens and they treat you bad,” said another. “You have to get really tough-skinned around here. Some things you just have to suck up and take. Learn to deal with it.”

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<sup>18</sup> Another aspect that the Panel considered was the issue of labeling female soldiers as homosexuals if they report sexual harassment. The Panel heard this issue in a few female focus groups, but further data to support it were limited.

<sup>19</sup> An NCOER is a noncommissioned officer evaluation report; an OER is an officer evaluation report.

<sup>20</sup> Trainees in a holdover status are held at their current location.

***A belief that problems can be resolved at the individual level.*** Some soldiers believe they can resolve sexual harassment or inappropriate behavior at their personal level, as recommended by prevention of sexual harassment (POSH) training. One soldier reported that, “I first address the person who’s giving me the problem.” Another said, “I’ve always been able to deal with these types of cases.”

***A belief that some inappropriate behaviors are “normal.”*** Finally, a few soldiers stated that they grew up in an environment where some inappropriate behaviors were considered “normal.” These behaviors, while fitting the definition of sexual harassment, were not viewed as a big deal “back in high school or college.” Despite POSH training to the contrary, these soldiers continue to apply their own definitions of sexual harassment in determining what behaviors they will or will not tolerate.

### ***Zero Defects***

Closely tied to these reasons for not using the EO complaint procedures is the often referenced “zero defects mentality” that affects and concerns leaders at all levels; that is, one mistake and your career is ruined. The Panel found that, in most cases, when sexual harassment was reported to the battalion or higher level, the chain of command took action. Many incidents, however, do not reach the battalion level. Lower level leaders often perceive that an EO complaint is an adverse reflection on their leadership and a “defect” from which they can never recover if it becomes known higher up the chain of command. This “defect” view can result in problems being improperly “contained” within the unit as well as the negative consequences of reporting sexual harassment previously discussed, e.g., reluctance to use the EO complaint system and re-victimizing the victim. With this “zero defects mentality” in place, trust in already suspect complaint procedures erodes even further.

The true barometer for the effectiveness of the EO complaint reporting system lies in the trust and confidence that individual soldiers have in the system. As noted, many soldiers lack this requisite trust and confidence, do not report harassment, and do not use the established system. But, in addition to the chain of command, there exist multiple avenues for soldiers to report EO complaints. With the core EO complaint system suspect, however, even the IG and other support elements (e.g., chaplain, mental health office, staff judge advocate, criminal investigation command) are painted with the same brush and considered by some to be too aligned with the chain of command. One soldier reported that, “The chaplain is just another man in uniform.”

Because soldiers do not use the established complaint procedures, senior leaders quickly delude themselves into thinking they do not have problems. Unfortunately, there is often a huge gap between what senior leaders and junior enlisted soldiers think.



## ***Ineffective EO Training***

### **♦ Current Army EO training is often ineffective and does not adequately train soldiers.**

Equal opportunity training received by soldiers rarely facilitates understanding and dialogue either among peers or between soldiers and their leaders. Too often, EO training is dismissed as unimportant. Many leaders do not attend or participate in the training. The absence of leader involvement speaks volumes about the lack of commitment and represents a missed opportunity for leaders to dialogue with their soldiers.

In the early 1970s, EO training was a mandatory 18-hour standardized program taught annually by DRRI-trained instructors. Today, EO training is required at least twice a year, with commander discretion in determining some of the program content, duration of training, the attendees, and the instructor.

When Army-wide training on sexual harassment was mandated in 1982, TRADOC developed standardized training plans for use in all service schools and ROTC courses. In 1986, HQDA mandated an intensification of unit EO and POSH training in response to survey and anecdotal evidence that female soldiers were not receiving proper treatment. In addition, DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, requires that all military personnel, from trainee to general officer, receive training in EO, human relations, and POSH on a recurring basis, and at all levels of professional military education. Training is to include comprehensive material on leadership roles and responsibilities for EO programs, complaints processing, legal implications, reprisal prevention and detection, climate assessment methodologies, and managing civilian EEO systems. Army training policy meets the mandatory training requirements of DoD Directive 1350.2.

Chapter 6 of AR 600-20, *Army Command Policy*, mandates the conduct of unit EO training at least twice a year. This guidance differs from AR 350-1, *Army Training*, and AR 350-41, *Training in Units*, which require commanders to conduct refresher training on EO and POSH, but leave the frequency of training up to the commander. Refresher training is used when periodic or recurring emphasis is required. This type of training depends on the local situation and the commander's assessment of need.

Training materials, such as DA Pamphlet 350-20, *Unit Equal Opportunity Training Guide*, and Training Circular (TC) 26-6, *Commander's Equal Opportunity Handbook*, provide the commander with a limited array of off-the-shelf training programs. Unfortunately, some commanders with whom the Panel spoke were unaware of the existence of such training aids.

The extent and quality of human relations training<sup>21</sup> that future officers receive varies greatly depending upon their source of commission. The United States Military Academy employs a comprehensive program entitled *Bedrock II: Consideration of Others*. This program provides 58 hours of human relations training over a cadet's four-year term, of which 25 hours deal with EO and gender issues. The Military District of Washington has adapted USMA's program for its Army installations. Reserve Officers' Training Corps human relations training is not standardized. The U.S. Army Cadet Command has directed local ROTC commanders to evaluate and devise their own programs based upon training needs. Soldiers at OCS receive a two-hour block of instruction in the area of human relations.

The Army is providing relatively little emphasis on human relations training in its service schools. For example, the Command and General Staff College teaches only 3.2 hours of EO out of 1,616 contact hours, and only 20 minutes of POSH.<sup>22</sup> The Sergeants Major Academy currently has 4.7 hours of EO training, of which 30 minutes are devoted to POSH. The Army War College has no POSH training, but will add a block of instruction for academic year 1997-98. The Panel's analysis shows that institutional EO training is neither sequential, progressive, nor integrated across schools.

Within the last two years, however, TRADOC has developed a common core concept that has reduced the number of TSPs required for EO and POSH from fifteen to four and standardized training on these subjects at the following levels: the basic leader level (platoon leaders and squad leaders) through the senior leader level (sergeants major, warrant officers, and majors). Upon implementation of these TSPs, all soldiers from accession through separation will receive discussion-based, non-repetitive, progressive, and sequential training. The EO TSPs for IET and drill sergeant school are not included as part of the common core, but are separate training requirements. Updated TSPs are being implemented in IET and drill sergeant school training. Changes are occurring, but slowly. This is due in large measure to the inadequate resourcing of the Adjutant General's School, U.S. Army Soldier Support Institute, which is responsible for EO TSPs for all Army schools. The School is staffed with only one authorized person to accomplish this mission. Inadequate resourcing of agencies responsible for supporting and implementing EO policy reflects a poor level of institutional commitment to the EO program.

Most EOAs reported that, except for the Chief of Staff of the Army's chain teaching package,<sup>23</sup> unit leaders do not usually participate in EO training. Soldiers described unit EO training as "boring," "bland," "unrealistic," and "repetitive." Equal opportunity advisors reported that junior enlisted and junior NCOs attend EO training

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<sup>21</sup> Human relations training encompasses not only EO training, but also topics such as leadership, ethics, counseling, communication, drug abuse prevention, and suicide prevention.

<sup>22</sup> The figures used in this paragraph were current at the time of the Panel review. The Army is in the process of revising the period of time devoted to human relations training.

<sup>23</sup> Chain teaching is the dissemination of standardized information by the chain of command.

while senior leaders of the company, to include field grade officers, are absent. One EOA commented, “Rarely is the senior leadership attending training. They ensure soldiers attend, but do not make an appearance themselves.” Training is often done in large assemblies and is not interactive. Many soldiers also said training should be relevant to their current job level. They called for changes in most of the teaching methods now used, stating that methods need to include small discussion groups and other “uncanned” programs. Many soldiers said EO training tends to be trendy and reactive. For example, the latest round of EO training usually included extremist organization training, which was viewed by soldiers as a reaction to the 1996 Secretary of the Army's Task Force on Extremist Activities. Some soldiers reported that the vignette-based sexual harassment videotape distributed by DA in 1996 was having a positive impact on awareness. Soldiers would also like current “real-world” case studies to use in their training, but these type summaries are not currently available.

While plans are underway to improve the quality of EO and POSH training, existing tools have been largely ineffective. Although TSPs and other training tools undergoing development and fielding are significantly better than those available in the past, they are simply tools; their effectiveness is only as good as the instructors using them and the leaders who stand behind them. Leader and instructor training has yet to be effectively addressed. The Defense Equal Opportunity Management Institute trains EOAs to be instructors to some degree during the 16-week course. But EOAs can conduct only a small percentage of the necessary training. Normally unit personnel and/or junior leaders are tasked with the responsibility. With the advent of newer, interactive, discussion-based training methodologies, instructors will require school training in these techniques to present effective training.

### ***Inadequate EO Resources***

#### **♦ Soldiers lack understanding about the roles, missions, and functions of the EOA and EOR.**

The Panel found evidence of ineffective EOA utilization in the field. Equal opportunity is intended to be a commander's program, yet many EOAs are forced to go through a “gatekeeper,” e.g., the executive officer, adjutant, or command sergeant major, to gain access to the commander. Many EOAs are buried in the staff sections making access to commanders difficult. Although most EOAs attend weekly staff meetings, few have a “speaking part” and only about one-third of EOAs stated that they met with their commander weekly. The access problem is further exacerbated by the rank differential presented when a sergeant first class EOA is expected to interface routinely with a brigade commander. Some EOAs commented that their main responsibility is focusing on ethnic celebrations or unrelated work, not on recommending strategies to prevent and eliminate discrimination and sexual harassment. The following table depicts the typical profile of EOA and EOR duties and training levels.

**Table 2--EOA and EOR Responsibilities**

	<b>Rank<sup>24</sup></b>	<b>Assigned as</b>	<b>Supports</b>	<b>Training</b>	<b>Typical Role/Duty</b>
<b>EOA</b>	SFC at brigade level, MSG-SGM at division and higher	Primary Duty	Brigade and higher	DEOMI trained for 16 weeks	Process individual complaints
<b>EOR</b>	SSG-SFC at company and battalion levels	Additional duty	Battalion and below	Locally trained for 2 weeks	Refer individual complaints to appropriate agency

Overwhelmingly, the Panel found that most soldiers and commanders are confused about the different roles of an EOR and an EOA. As noted earlier, the EOA is in a full-time position assigned to brigade level and is a graduate of the 16-week DEOMI course. Equal opportunity representatives assist commanders at battalion-level and below in carrying out the EO program within their units. Unlike EOAs, EORs do not attend the 16-week DEOMI program of instruction and are not utilized in special duty assignments. Equal opportunity representative duties are a part-time, secondary responsibility.

Equal opportunity representative training is a command/installation responsibility. There is, however, no uniform training of EORs. Commands and installations have developed their own training materials. DEOMI-trained EOAs train EORs with a local 80-hour course, but the course is often erratic: training aids are limited and some EOAs do not have all the necessary skills to conduct the training adequately. The EO proponent for the development of TSPs for Army schools is the Adjutant General's School, U.S. Army Soldier Support Institute. In order to better support commanders, the Adjutant General's School is developing a program of instruction (POI) for EOR training. Implementation of the POI is scheduled for October 1998. Equal opportunity advisors believe that training inconsistencies and lack of command emphasis are limiting the positive contributions EORs could have on unit cohesion.

Unlike EOAs, EORs are not trained to process individual complaints of discrimination or sexual harassment. Despite this lack of training, they often are used to handle informal complaints at the company and battalion levels.

Equal opportunity advisors are not authorized to receive sworn statements from soldiers or to conduct formal investigations when they receive a complaint. According to AR 600-20, EOAs are expected to provide advisory assistance to commanders and comment on investigation reports for compliance with DoD and DA policy. Formal investigations are limited to the IG or to an investigating officer appointed by the commander under the provisions of AR 15-6, *Procedure for Investigating Officers and*

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<sup>24</sup> SSG is the acronym for staff sergeant, E-6; SFC is the acronym for sergeant first class, E-7; MSG is the acronym for master sergeant, E-8; and SGM is the acronym for sergeant major, E-9.

*Boards of Officers.* Many EOAs believe they are hampered by this limitation on their authority to conduct an investigation. The Panel also saw evidence of poorly conducted AR 15-6 investigations. Some investigating officers are very junior and do not have the experience necessary to conduct proper investigations. Equal opportunity advisors and, in some instances, judge advocates are not consulted during the course of investigations. The Panel also heard many comments relating to perceptions of bias, e.g., some investigating officers were believed to be too closely tied to the unit they were tasked to investigate.

◆ ***Survey tools available to commanders are inadequate.***

Climate assessments are a key mechanism for commanders to anticipate and prevent problems. Climate assessments are designed to be used by commanders and other leaders to identify issues that might not otherwise come to their attention. The current array of climate assessment tools available to commanders do not adequately meet their needs.

Department of Defense Directive 1350.2, published August 18, 1995, directs that the Services “[r]equire commanders to assess their organizational EO climate, preferably as part of their assumption of command, and schedule follow-up assessments periodically during their command tenure.” The current version of AR 600-20 (Interim Change 4) recommends that commanders conduct a unit climate assessment within 90 days of assuming command and then annually thereafter. While this guidance is not in compliance with the DoD Directive, the draft revision to AR 600-20 remedies this shortfall by requiring commanders to conduct a unit climate assessment within 90 days of assuming command and annually thereafter.

The Military Equal Opportunity Climate Survey (MEOCS) is the most common assessment survey instrument currently in use across the Army. Commanders who request this survey must send the completed survey forms to DEOMI for analysis and a report. The Defense Equal Opportunity Management Institute has indicated that, because of insufficient staffing, it will be unable to meet the demand for analysis of MEOCS, once the AR 600-20 provisions requiring all commanders to conduct an annual climate assessment are put into effect--assuming MEOCS is the assessment tool commanders employ.

Department of the Army Pamphlet 600-69, *Unit Climate Profile Commander's Handbook*, also contains a climate assessment survey instrument available to commanders. It does not include questions on sexual harassment, but does include three questions asking if the officers, NCOs, or immediate leaders in the unit treat soldiers fairly without regard to race, ethnic background, or sex.

The current Army-wide survey of command climate, the biannual Sample Survey of Military Personnel (SSMP), includes items on sexual harassment on a recurring basis. This survey is targeted at the whole Army with the exception of soldiers in

training, in transit, in the hospital, or attending school, and does not provide an assessment specifically geared to one commander.

The Human Resources Directorate, ODCSPER has developed a short command climate survey instrument. This instrument is only now being fielded and feedback is limited. Another comprehensive human relations climate assessment survey instrument is being developed under the direction of the Assistant Secretary of the Army (Manpower & Reserve Affairs).

## ***Other Issues***

### ***EOAs of Tenant Organizations***

Equal opportunity advisor resourcing of tenant units<sup>25</sup> is another issue that concerns the Panel. For example, a medical center that is part of the Army Medical Command (AMEDD) but resides on a TRADOC installation is considered a tenant unit, with a requirement to report both to the AMEDD and TRADOC commanders. A tenant unit without an assigned EOA is usually required to go to its next higher headquarters, from which it is geographically separated, for EO coverage and complaint processing. This was often found to be the case, even if there was a designated installation EOA. The impact of this situation is a lack of effective EOA coverage and confusion on the tenant unit's part. Little guidance on this issue exists--tenant units are not addressed in the current version of AR 600-20.

### ***EO Program Funding***

Equal opportunity program funding varied with command interest. According to AR 600-20, commanders of major Army commands are required to provide personnel, funding, and other resources to carry out the EO program. The Panel found some EO programs had insufficient funding to adequately maintain awareness and conduct external training for EOAs.

### ***Racial Discrimination***

The Panel's written survey data reflected that the majority of those surveyed do not believe that there are high levels of racial or ethnic discrimination in their company-sized units. Likewise, race did not surface as a factor in sexual harassment reporting. In line with this finding are the results of the SSMPs conducted from 1992 to 1995, which consistently reported a decrease in racial discrimination. The Panel found little evidence of overt racial discrimination, but noted many expressions of subtle racial discrimination, similar to those concerns noted in the Report of the Secretary of the Army's Task Force on Extremist Activity issued in 1996. Focus group data also

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<sup>25</sup> A tenant unit is an organization that resides on another major command's installation.

indicated that many soldiers believe they are not treated fairly in terms of promotions and job assignments, and that subtle racial discrimination is a problem.

The Inspector General released findings of its Special Assessment of Equal Opportunity in November 1990. It found significant achievements with the Army's EO since the 1970s and predicted no imminent return to the widespread racial unrest of that period. It also found, however, that EO program emphasis was declining in the Army, as evidenced by poor training, lack of visible chain of command participation in the program and training, and the consolidation and elimination of EOA positions. The Panel shares the same concerns in 1997 that the IG surfaced in 1990. Under current practices, the individual soldier is not well served by the EO system.

## THE EXTENT AND IMPACT OF SEXUAL HARASSMENT AND SEX DISCRIMINATION

### ***Panel Assessment***

The Panel's assessment of survey results, focus group discussions, and individual interviews has produced four significant findings pertaining to sexual harassment in the Army:

***Sexual harassment.*** Sexual harassment exists throughout the Army, crossing gender, rank, and racial lines.

***Inappropriate behavior.*** Inappropriate behaviors are commonplace throughout the Army. In many cases, however, soldiers subjected to such behaviors do not equate them with sexual harassment. Further, soldiers seem to accept such behaviors as a normal part of Army life.

***Sex discrimination.*** Sex discrimination is more common throughout the Army than is sexual harassment. Soldiers often misconstrue and report sex discrimination as sexual harassment.

***Perception of disparate treatment.*** Some male soldiers perceive that certain Army policies are inequitable in that they establish less demanding standards for female soldiers.

#### ♦ **Sexual harassment exists throughout the Army, crossing gender, rank, and racial lines.**

Over a period of years, a number of surveys administered by a variety of agencies, to include the U.S. Army Research Institute for the Behavioral and Social Sciences, DoD, independent research teams, and other military services, have assessed and reported on the extent of sexual harassment experienced by soldiers. Likewise, the Senior Review Panel found sexual harassment to be a serious problem throughout the uniformed Army.<sup>26</sup> Although both male and female soldiers are subjected to sexual harassment, women are disproportionately impacted. These findings are consistent with those of previous surveys.

The results of the SSMP, a semi-annual Army-wide survey conducted by the U.S. Army Research Institute indicate the rate at which both male and female soldiers responded affirmatively to the question, "Were you sexually harassed in the last 12 months?" The rates for males remained level throughout survey years 1992, 1993, and

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<sup>26</sup> The findings concerning sexual harassment reported in this section pertain to soldiers who are other than training base personnel. Those findings concerning trainees and trainers appear in the subsection entitled "Initial Entry Training."



1995. The drop from 1992 to 1993 for women was a statistically significant difference. The same question was posed in precisely the same language on the Panel survey. In the SSMP surveys, the definition of sexual harassment was provided to participants. The Panel survey did not advise participants of the definition of sexual harassment. Yet, the responses were similar. Table 3 records soldiers' affirmative responses to the question, "Were you sexually harassed in the last 12 months?", categorized by survey and gender of the respondent.

**Table 3--Were you sexually harassed in the last 12 months?**

	<b>SSMP (1992) N = 8,849</b>	<b>SSMP (1993) N = 9,130</b>	<b>SSMP (1995) N = 15,113</b>	<b>Panel (1997) N = 14,498</b>
<b>Men</b>	2.9%	2.6%	2.8%	7%
<b>Women</b>	29.8%	24.4%	24.9%	22%

The number of male soldiers who responded that they had been sexually harassed increased substantially from the SSMP surveys to that of the Senior Review Panel. The number of women who reported having been sexually harassed remained generally constant across the 1992, 1993, and 1995 SSMPs and the Panel survey.

Although the consistency in statistical findings supports the scientific validity of the Panel survey instrument and sample, the result suggests that this issue is one of which the Army has been long aware, and that to date, Army policies and processes implemented to combat and eradicate sexual harassment have had little, if any, impact. As one soldier noted, "Women have been reporting sexual harassment for five years, and the Army's just now looking into it." Many soldiers believe that their complaints and concerns have been ignored and that only the recent media attention has forced Army leaders to focus on this issue.

Table 4 sets forth the percentage of soldiers, broken out by rank and gender, whose Panel survey responses indicate that they had been subjected to sexual harassment. Junior enlisted women reported experiencing substantially higher rates of harassment than any other rank category. Although higher rank and status does not protect a soldier from sexual harassment, it appears that soldiers' junior rank and status may invite harassment or establish them as the harasser's most likely targets.

**Table 4--Sexual Harassment by Rank and Gender**

<b>N = 14,498</b>	<b>Junior Enlisted</b>	<b>NCOs</b>	<b>Officers</b>
<b>Men</b>	10%	5%	2%
<b>Women</b>	29%	17%	6%

Table 5 shows the percentage of sexual harassment, by race and gender, as reported on the Panel survey. Black male soldiers reported experiencing slightly higher levels of sexual harassment than did white male soldiers (10% to 6%), while black female soldiers reported slightly less sexual harassment than did white female soldiers (20% to 23%).

**Table 5--Sexual Harassment by Race and Gender**

<b>N = 14,498</b>	<b>White</b>	<b>Black</b>	<b>Other<sup>27</sup></b>
<b>Men</b>	6%	10%	7%
<b>Women</b>	23%	20%	27%

◆ **Inappropriate behaviors are commonplace throughout the Army.**

Table 6 presents the findings of both the DoD Defense Manpower Data Center (DMDC) 1995 Sexual Harassment Survey and the Senior Review Panel survey, concerning the extent to which soldiers reported having experienced uninvited, unwanted sex-related behaviors.

**Table 6--Experienced Behaviors Described in Sexual Experiences Questionnaire**

	<b>Crude or Offensive Behavior</b>	<b>Sexist Behavior</b>	<b>Unwanted Sexual Attention</b>	<b>Sexual Coercion</b>	<b>Sexual Assault</b>
<b>DMDC (1995) Army N = 13,599</b>					
<b>Men</b>	35%	16%	8%	4%	2%
<b>Women</b>	74%	67%	47%	18%	8%
<b>Panel (1997) N = 14,498</b>					
<b>Men</b>	76%	63%	30%	8%	6%
<b>Women</b>	78%	72%	47%	15%	7%

The behaviors about which soldiers were queried were derived from Fitzgerald's (1988) Sexual Experiences Questionnaire (SEQ).<sup>28</sup> A comparison of survey results reveals that female soldiers participating in the Panel survey reported experiencing SEQ behaviors at a rate almost identical to that of the DMDC survey. Male soldiers

<sup>27</sup> The relatively small number of other minorities surveyed makes descriptive statistics difficult to interpret.

<sup>28</sup> The behaviors of the Sexual Experiences Questionnaire (Fitzgerald, 1988) can be divided into five categories. Crude or offensive behavior includes unwanted sexual jokes, stories, whistling, and staring. Sexist behavior includes insulting, offensive, and condescending attitudes based on the gender of the person. Unwanted sexual attention includes unwanted touching or fondling and asking for dates even though rebuffed. Sexual coercion includes classic *quid pro quo* instances of job benefits or losses conditioned on sexual cooperation. Sexual assault includes attempted and actual rape.

participating in the Panel survey reported experiencing significantly higher levels of SEQ behaviors than did male soldier participants in the DMDC survey.<sup>29</sup> Overall, the Panel found that 84% of Army women and 80% of Army men reported experiencing some type of SEQ behavior.

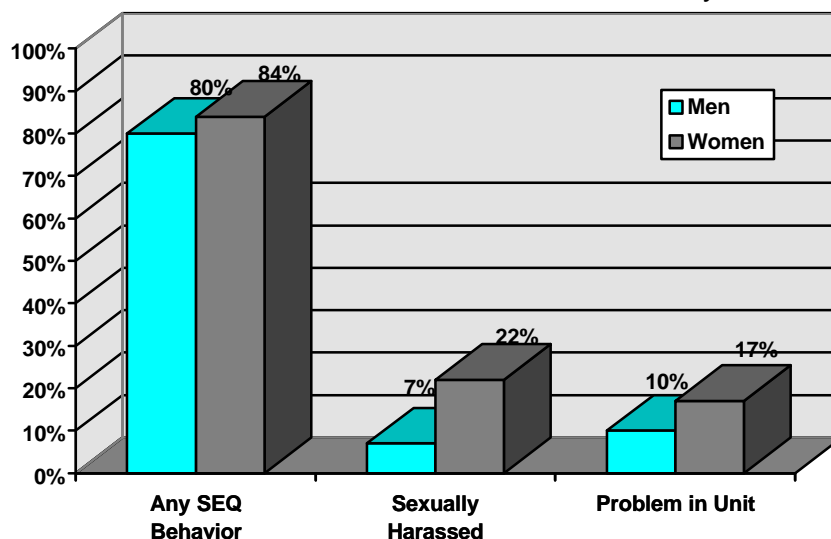
It should be noted that there was a definitional distinction between the 1995 DMDC survey and the Panel survey. The 1995 DMDC survey defined sexual harassment as experiencing any one of Fitzgerald's SEQ behaviors. The Panel survey queried soldiers about their experience of SEQ behaviors, but did not define these behaviors as sexual harassment or tie SEQ behaviors to that term. Rather, the Panel survey contained three separate types of questions: one asking soldiers if they had experienced SEQ behaviors; the second asking soldiers if they had been sexually harassed; and the third, whether sexual harassment was a problem in the soldier's unit.

Although soldiers reported being subjected to inappropriate sexual behaviors at high rates (80% of men and 84% of women, as illustrated in Figure 1, below), many soldiers, apparently, do not perceive these SEQ behaviors as sexual harassment. A large number of soldiers reported experiencing at least one of the categories of SEQ behaviors. However, the number of soldiers who reported having been subjected to sexual harassment was substantially smaller (7% of men and 22% of women). The number of soldiers who believed that sexual harassment was a problem in their unit also was relatively small (10% of men, 17% of women). From these statistics and from focus

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<sup>29</sup> The higher percentages for experienced SEQ behaviors for men on the Panel survey in relation to the DoD survey may reflect a slightly different wording. The Panel survey asked only if the SEQ behavior was experienced. The DoD survey asked for frequency of experienced behavior, but also qualified the behavior as being offensive. The difference between the Panel and DoD surveys may show that men experience the behaviors at the higher rates, but do not consider it offensive. Interestingly, the percentages for women did not differ across the surveys.

group input, the Panel learned that many soldiers do not equate SEQ behaviors with sexual harassment. Nevertheless, the Panel notes that all of the SEQ behaviors may meet the criteria for sexual harassment under the DoD and Army definitions.



**Figure 1--Percentage Reporting any SEQ Behavior, Sexual Harassment, or that Sexual Harassment was a Problem in their Unit**

Of soldiers who reported experiencing crude or offensive behaviors, sexist behaviors, or unwanted sexual attention, only 11% believed they had been sexually harassed. This statistical finding was borne out by focus group research. One soldier commented about “lots of low level sexual harassment . . . but they don’t define it as harassment. [It’s] just part of the environment.” Focus group participants alternatively referred to the existence of these less offensive behaviors as “noise,” “static,” or “clutter.” Although soldiers expressed some level of discomfort with such noise, static, and clutter, soldiers perceive that their exposure to these behaviors is inevitable. The high level of SEQ behaviors experienced and tolerated by Army men and women, when compared to the much smaller number of soldiers who stated that they were sexually harassed, indicates that, for whatever reasons, some SEQ behaviors that may fall within the official definition of sexual harassment are “the norm” throughout the Army.

This difference in percentages of soldiers reporting the experience of SEQ behaviors and those who believed they were sexually harassed can be attributed to several factors. First, many soldiers have low expectations of what constitutes acceptable behavior. One soldier commented that, “If I reported it [these behaviors/sexual harassment] every time it happened, I’d keep reporting it every day. But I handle it better than most.” Another soldier stated that, “I have an established tolerance level.” Second, although soldiers generally understand the Army’s organizational definition of sexual harassment, they tend to apply a different, personal, informal, working definition of sexual harassment to their personal experiences. One soldier commented that the official definition of sexual harassment is “too broad now. If

someone came into our unit who is not part of the group, they would take things as sexual harassment when it is really only bantering back and forth.”

The Panel found that soldiers are likely to perceive that they are being sexually harassed only when SEQ type behaviors rise to the level of sexual coercion or sexual assault. Of the soldiers reporting that they had been subject to sexual coercion or assault, 52% believed that they had been sexually harassed. These SEQ behaviors are the most serious and, inherently, are the most likely to cause physical, mental, and emotional harm to their victims. As one soldier stated, “As long as no one is touching me, I don’t care.”

Further, many soldiers commented on the key role perceptions play in identifying sexual harassment. As one officer stated, “It’s all in how you perceive it. You may go home and think--was it sexual harassment?”

◆ **Sex discrimination is more common throughout the Army than is sexual harassment.**

Focus group participants who responded that they had been sexually harassed described experiences that do not comport with the official definition of sexual harassment, but are more appropriately characterized as sex discrimination (e.g., soldiers given certain duties solely because of their gender). As stated in Part III of Volume I, sex discrimination is discrimination based solely on an individual being male or female. It is often linked to a set of assumptions and sex role stereotypes concerning the abilities, competence, status, and roles of the particular gender, which results in the disparate treatment of or negative impact on that gender. Sex discrimination takes a variety of forms including, but not limited to, sexist remarks, assigning soldiers to particular duties that “fit” their gender, and generally disregarding or discounting the value of a soldier’s contributions to mission accomplishment based on gender. The Panel found that incidents of gender bias, sexism, and sex discrimination occur often throughout the Army.

In the Panel survey, soldiers were asked if they were treated differently because of their sex. Many of the women (51%) and few of the men (22%) said they were treated differently because of their gender. These percentages are significantly higher than the 22% of the women and 7% of the men who reported that they had been sexually harassed.

Focus group commentary supports this statistical data. A group of female senior NCOs spoke heatedly to Panel members about having no voice in meetings with male NCOs of their units. “We speak, but it’s as if we do not exist. They ignore us,” said one NCO. Focus group discussion also revealed that, although participants perceive “zero tolerance” within the Army for racial discrimination, the same standard is not applied to sex discrimination. This perception exists even though the standard has been repeatedly used by DoD leaders in describing the Department’s policy with

respect to sex discrimination. A female soldier remarked, “You can’t get away with saying blacks shouldn’t be in the Army, but you can say women shouldn’t be in the Army . . . or call us dumb females. How can they [men] get away with that?” When soldiers are taken out of their MOS to perform stereotypical “women’s work” or “men’s work” in their units; when commanders refuse to consider qualified soldiers for certain duty positions (e.g., driver, aide-de-camp) because of their gender; when women’s contributions to unit mission are given less weight than that of men; the Army is allowing the practice of sex discrimination to exist.

In group discussions with soldiers worldwide, the Panel asked them to describe the most and the least satisfying aspects of their careers. The often-cited positive aspects included working with and helping soldiers, learning new skills, travel and educational opportunities, and personal growth.

Of the dissatisfying aspects, one of the women’s most frequent responses was that they feel devalued as soldiers and marginalized in their units just because they are women. One female field grade officer said, “I always have to fight the male mind set about what a woman can and cannot do.” A female junior NCO remarked that a male new to the unit is accepted at face value, but that a new female soldier has to prove herself and her competence repeatedly. This theme of having to “prove yourself” was restated to Panel members many times in many locations. A young enlisted woman observed that “in working with males, you’re discounted and accused before you ever get a chance to explain.” One junior enlisted woman said, “This is the first time I’ve been stationed in a unit where 90% of the soldiers are men. The automatic perception they have of me is that I don’t know my job. If you’re a female, you’re always tested.”

Male soldiers also are dissatisfied with unfair treatment and double standards. One soldier said, “Double standards--officer/enlisted, male/female, black/white--they’re all here [in the unit].” An officer said, “No longevity anymore, no job security, retirement benefits are getting cut, reduced family support; everything is being taken from us.”

♦ ***Some male soldiers perceive that certain Army policies are inequitable in that they establish less demanding standards for female soldiers.***

The likelihood of polarization along gender lines and its corresponding detriment to the human relations environment is heightened by the perception among some male soldiers that certain Army policies hold female soldiers to a less demanding standard.

***The Army Physical Fitness Test (APFT)***

The Army has considered gender, as well as age, in establishing the different standards to be achieved by male and female soldiers on the APFT. The APFT is designed to measure the fitness of an individual soldier. A soldier’s fitness is measured on a graduated scale adjusted for gender and age. The differences in performance standards reflect physiological differences between genders and between

younger and older soldiers. Soldiers understand and accept the age standards, but they question the different standards based on gender. Some male soldiers commented that the lower APFT standards for women are “too low”; that the APFT is “biased in favor of female soldiers”; and that “the lower standards reflect that a woman will never be in as good physical shape as a man.”

Generally, men believe that both men and women should be required to perform the same number of repetitions of push-ups and sit-ups, and complete the two-mile run in the same period of time in order to achieve a passing score on the APFT. Generally, the few women who agree with this proposition expressed themselves to the Panel as follows: “I’m just so sick and tired of being told by men that I’m ‘getting over’ on the PT test. Let’s just make one standard.” The criticism that women are “getting over” in physical training adversely affects some women’s morale. A junior female NCO commented that “when a general officer had a discussion about the PT [physical training] standards, he made jokes about females not being able to run.”

Soldiers who participated in focus groups voiced complaints about leaders who set PT standards above those required by regulation. The women perceived that their leaders established these more stringent standards not as a means of promoting the unit’s overall fitness and mission accomplishment, but rather as a means of excluding women from full participation in an important and visible unit function, that of group PT. One female NCO said, “Male soldiers always lead PT and expect us to meet unrealistic standards, for example, pyramid pushups and a five-mile run in 30 minutes. The men always dog out the women if they can’t finish. I can blow them away with sit-ups, but I don’t dog them out about it.”<sup>30</sup> As another female senior NCO stated, “It’s just another way for men to tell us that we can’t hang, that we don’t belong. When men see a woman falling out of a three-mile run at a seven minute mile pace, they automatically lose respect for her. Suddenly, she doesn’t deserve to be part of the unit.”

## ***Pregnancy***

Male soldiers also perceive that the utilization of pregnant female soldiers is governed by special policies that negatively and unfairly impact the unit. Pregnancy requires the issuance of a temporary physical profile to the pregnant soldier. Essentially, a pregnant woman is limited in the type and extent of physical training she can perform. Further, her utilization to perform workplace duties is often curtailed by the number of hours she is able to work without fatigue and the types of work she is able to perform. One example cited by a focus group of male officers was that of a pregnant pilot. The woman had to be temporarily grounded and removed from flight status, rendering her non-deployable. The remaining pilots, both men and women, had to fly the pregnant pilot’s missions and “pick up the other slack” caused by her absence.

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<sup>30</sup> The APFT has been redesigned and is awaiting implementation. The redesign marks the first time the Army has validated the principal of equal effort based on scientific evidence and the reality of physiological differences between men and women.

Another example cited in a focus group was that of a battalion-level fuel handler who became pregnant. Because the chemical hazards associated with her MOS could seriously impact her unborn child's health, Army policy prohibited the fuel handler from working in her MOS until after the birth of her child and her convalescence. The pregnant fuel handler was assigned to "desk-duty." As it happened, the female was one of only a few fuel handlers in her unit; fuel handling is considered a critical, but low-density MOS. While she was prohibited from performing fuel handler duties, the battalion was left short-handed. The female fuel handler remained "on the unit books," however, assigned against her fuel handler position, which effectively precluded the unit from requesting and receiving a replacement fuel handler. The unit suffered, as did the pregnant soldier, because the other fuel handlers in her unit reacted negatively to her, making plain their dissatisfaction at having to "do her work on top of their own" particularly when they were already undermanned. Despite the fact that the female fuel handler had no control over Army policy and its application to her personal situation, the male soldiers considered her to be personally responsible for her circumstances.

The Panel found that some pregnant women make a conscious decision to place themselves and their unborn child "in harm's way" in an effort to prevent similar negative reactions from members of their units. Although many women's ability to work and to engage in physical activity is unaffected by pregnancy, medical considerations require other women to cut back on the number of hours they work, the types of tasks they perform, and to modify the intensity of their physical training routines. The Panel found that despite physical discomfort, some pregnant women continue to perform strenuous duties, work long hours, and participate in unit physical training, simply to avoid derision at the hands of their counterparts. Other profiles given to both male and female soldiers (e.g., for temporary injuries or illnesses) were not listed in the same negative manner as pregnancy.

### **Work Assignments**

Almost one-half of the men surveyed believe that women in their units are treated more favorably. Eighty percent of female soldiers disagreed with that premise. Table 7 reveals that while most female soldiers believe that they "pull their load" in their unit, only one-half of their male peers agreed. By contrast, almost all soldiers of both genders believe that male soldiers "pull their load."

**Table 7--Perceptions of Contribution**

	Men		Women	
	Agree	Disagree	Agree	Disagree
<b>N = 14,498</b>				
<b>In this company, the male soldiers pull their load.</b>	81%	7%	83%	7%
<b>In this company, the female soldiers pull their load.</b>	50%	30%	77%	11%



Some female soldiers complained that their units effectively preclude them from working in their MOS or from performing all tasks associated with their MOS. Rather, they are assigned to administrative duties viewed as “more appropriate work for a woman.” Women noted that, in many cases, male soldiers step in and perform duties that fit the stereotype of “men’s work.”

For whatever reason, some leaders afford deferential treatment to women in assigning unit work tasking. Contrary to soldiers’ perceptions, this perceived favoritism is usually unsolicited by female soldiers and has no basis in Army policy. One female soldier, the only woman in a unit of 200 men, complained that her first sergeant would not let her go to the field with her unit. Leaders who show deferential treatment to female soldiers in the assignment of tasks reinforce erroneous perceptions held by many males that the contributions of female soldiers are not essential to the unit’s successful performance of its mission. Leaders must make the conscious decision to distribute the workload equitably, without regard to the gender of the soldier, and to hold all soldiers to the same performance standards. Soldiers of both genders must be tasked with an equal number of “clean” and “dirty” tasks. Gender considerations should have no part in a leader’s determination of how to task any job, whether administrative duties or ditch digging.

### ***The Effects of Sexual Harassment***

In more than 200 company-size units in the United States and overseas, in leader interviews, and in interviews with EOAs, the Panel asked soldiers about the effects of sexual harassment. Those soldiers who believed they had suffered or had directly observed sexual harassment most frequently cited “the erosion of trust between soldiers in my unit.” A soldier said that sexual harassment “causes a lot of chaos because certain people can’t work together.” In one unit with significant levels of sexual harassment, none of the female soldiers wanted to come to work. A female junior NCO who was leaving the Army after six years said that throughout her career, wherever she was assigned, men in her unit “hit” on her. Even when she reported the incidents to her chain of command, no action was taken. These experiences, not surprisingly, had prompted her decision to leave the Army for good.

A number of male soldiers expressed a fear of being falsely accused of sexual harassment. Men who raise this concern apparently believe that their careers will be permanently damaged by the allegation alone whether they are guilty or not. Many men have determined that the only way to avoid such an allegation is to avoid interaction or contact with women. Female soldiers confirmed this trend in male perception and behavior, expressing concern about being isolated in their units by male soldiers who no longer even speak with them. Many women also feel that they are being blamed by the men “for all the negative events happening in the Army since the Aberdeen Proving Ground scandal.” In the present tension-ridden atmosphere, male

and female soldiers are far less likely to interact normally, much less to work as members of a cohesive team.

Despite the common occurrence of sexual harassment, inappropriate behaviors, and sex discrimination throughout the Army, soldiers of both genders assured Panel members that “the mission is still being accomplished.” As one junior enlisted soldier said, “Things are getting done; it’s the individuals, not the unit, who are affected by sexual harassment.” An NCO shared that the “mission gets done, but cohesion among the soldiers is affected.” Another soldier said that “sexual harassment doesn’t do anything to the unit. It continues to function. A private can’t take it anymore and ETSs [leaves the Army]. There’s a new private to replace them. We’re expendable.” Panel members noted that sexual harassment, inappropriate behaviors, and sex discrimination are not viewed by many soldiers as affecting a unit’s ability to do its job. The Panel believes that, although “the Army goes rolling along,” it rolls more slowly and less effectively when its soldiers live and work in a negative human relations environment.

Today, there exists in our force a degree of tension and uneasiness grounded in the perception of many soldiers that the Army’s leaders have overreacted to highly publicized incidents of sexual harassment and sexual misconduct and the media fallout from those events. Soldiers expressed concern that leader attention will diminish once the media attention diminishes. Many soldiers, both male and female, believe that the Army has strongly overreacted to “Aberdeen” and is trying to train itself out of a human relations problem by mandating excessive POSH training. Most soldiers feel the current training is ineffective and “by-the-numbers,” with little discussion between or interaction among the soldier participants.

One particular form of sexual harassment not addressed in the survey but commented on in a few focus groups and by other female soldiers in informal discussions, was the fear of being accused of being a homosexual. Female soldiers who refuse the sexual advances of male soldiers may be accused of being lesbians and subjected to investigation for homosexual conduct. As in the case of men falsely accused of sexual harassment, women accused of lesbianism believe that the mere allegation harms their careers and reputations irreparably.

Another effect of sexual harassment in the current environment is the reluctance of male leaders to mentor female soldiers, much less select women for coveted assignments. Again, the fear of a false allegation of sexual harassment holds many men in its grip. As one soldier remarked, “Sexual harassment has generated a ‘close ranks’ mentality, and mentoring is out the window.”<sup>31</sup>

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<sup>31</sup> Panel members found that very few soldiers are being mentored. The few who are, however, are male soldiers. Mentoring for female soldiers seems to be virtually nonexistent.

## ***Other Issues--Personal Relationships***

Sexual harassment is sometimes confused with fraternization. Fraternization in itself is a confusing and often misunderstood area of interpersonal relations. Army legal and policy prohibitions on fraternization focus on the relationship between a superior and a subordinate, when such relationship (1) causes actual or perceived partiality, preferential treatment, or unfairness; (2) undermines authority, morale, or discipline; or (3) involves an abuse of rank, position, or authority for personal gain.<sup>32</sup> Fraternization is not limited to sexual relationships or interactions. Both leaders and soldiers expressed a general sense of confusion regarding the circumstances that constitute fraternization and emphasized the need for a clarification of Army policies in this regard. As one leader stated, "The bare-bones definition just does not provide any help when I am trying to determine whether a particular relationship is acceptable."

Similarly, Army policies governing senior-subordinate relationships that exist both inside and outside the chain of command are a concern of leaders and soldiers. They both openly discussed with Panel members the problems created by consensual sexual relationships between members of the same unit, particularly when such relationships involve soldiers of different ranks. Table 8 shows that nearly one-fifth of the soldiers surveyed believe their units would tolerate sexual relationships between leaders and subordinates; one-fourth of the survey participants were "not sure."

**Table 8--Toleration of Senior-Subordinate Sexual Relationships**

<b>N = 14,498</b>	<b>Agree</b>	<b>Not Sure</b>	<b>Disagree</b>
<b>Sexual relationships between leaders and their subordinates would not be tolerated in this company.</b>	58%	24%	18%

Some field commanders complained to the Panel that DA policy on senior-subordinate relationships is overly vague, leaving local leaders in the difficult position of interpreting policy, and leaving soldiers without behavioral guidance. Both commanders and soldiers emphasized the need for "clear rules" and effective training in applying those rules.

A number of soldiers believe that the Army's shift to mixed-rank club facilities sets-up soldiers for social interactions that are improper. As one NCO stated "With everyone in civilian clothes, how can we know if we can associate with someone unless we ask about the person's rank."

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<sup>32</sup> Commissioned officers, warrant officers, and NCOs may be criminally punished under Article 134, UCMJ, for fraternizing with subordinates on terms of military equality. Early case law held that the offense of fraternization under the Manual for Courts-Martial did not apply to senior enlisted persons. Later case law put NCOs on notice that fraternization with enlisted subordinates may now be charged as a violation of UCMJ, Article 134. See United States v. Clarke, 25 M.J. 631 (A.C.M.R. 1987).

Some male soldiers said that a heightened level of consensual, sexual activity in a unit can create an atmosphere in which the female soldiers are viewed as sex objects, not fellow soldiers. Rather than operating as a cohesive team, the unit structure fragments along the lines of these informal relationships. As one soldier stated, "Everyone's more concerned about who she's [female soldier] dating now than about doing their jobs."

The Panel agrees that the boundaries between professional and personal relationships have become blurred, posing issues of good order and discipline. It is essential that clear lines of professional conduct be established and observed, especially in terms of senior-subordinate relationships. Abuse of power is a prevalent theme in dealing with cases of sexual harassment and sexual assault, not only in the military but in society at large. The Panel believes that the current Army policy concerning senior-subordinate relationships is appropriate but often misunderstood. Training in this area is almost nonexistent. Given the lack of understanding among soldiers and leaders concerning senior-subordinate relationships, a renewed training effort is required.

# LEADERSHIP

## ***Panel Assessment***

Explicit in our charter from the Secretary of the Army was the mandate “to examine how Army leaders throughout the chain of command view and exercise their responsibility to address sexual harassment.” We found issues of leadership throughout our review. In fact, it has become a common thread of discussion throughout this report. In this section, we present four main findings: the synergy between leadership and human relations; distrust of leaders by soldiers; tentative commitment to the human dimension; and a void in central oversight of leadership and human relations programs.

## ***Leadership and Human Relations***

### **◆ Concerned, committed leadership is integral to the creation of a positive human relations climate.**

Good leadership is crucial to the creation and maintenance of a positive human relations environment. The truth of this basic tenet was reinforced in every aspect of the Panel’s assessment. Data from the Panel survey revealed a direct correlation between good leadership and a reduction in inappropriate behaviors. Respect between soldiers and increased acceptance of soldiers of diverse backgrounds as team members also correlated with positive leadership.<sup>33</sup> Army leaders define and reinforce the Army’s culture--those shared values, beliefs, norms, and assumptions the Army holds true. The Army’s desired culture is based on the core values of honor, integrity, selfless service, courage, loyalty, duty, and respect.

In cases where the Panel noted a successful human relations environment, the chain of command “made it happen.” Good leaders can create and maintain a positive human relations environment in even the most challenging situations. In fact, one of the most positive examples of a healthy, flourishing human relations environment observed by the Panel was in a forward deployed unit. The operational tempo (OPTEMPO) and personnel tempo (PERSTEMPO) were accelerated, and the physical environment was harsh and demanding. The chain of command refused to allow these challenges to detract from either mission accomplishment or from its commitment to taking care of soldiers and ensuring that soldiers took care of each other. The chain of command had repeatedly emphasized that each soldier, male and female, was important, both as a member of the unit team, and as an individual. Soldiers were encouraged to voice complaints and to suggest solutions, without fear of retaliation. Though performing an arduous mission under great physical and mental stress, soldiers evidenced extraordinary personal discipline, coupled with a positive attitude.

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<sup>33</sup> For a more detailed discussion, see Table 4 in Survey Results, Volume II.

Their comments to the Panel about their leaders and their living and working environments reflected general satisfaction.

### ***Good Leadership***

In our travels and research, the Panel found four characteristics common to and necessary for the exercise of good leadership. Good leaders set standards for members of their organizations; exemplify adherence to those standards in their personal conduct; enforce and maintain those standards for other members of the organization; and demonstrate genuine care and concern for their soldiers. These leadership characteristics are universal, that is, they can be applied effectively to the development and sustainment of tactical and technical military skills, as well as to the creation and maintenance of a positive human relations environment. The Panel is convinced that should a leader lack any one of these characteristics, both the unit's tactical and technical readiness and human relations environment will be adversely impacted.

### ***Setting, Maintaining, and Enforcing Standards***

Soldiers participating in the Panel survey were asked to respond to a series of questions pertaining to leadership in their companies. As shown in Table 9, many male and female soldiers agreed that leaders in their companies set and enforce high standards for soldiers in terms of good behavior and discipline.

**Table 9--Leaders Set and Enforce Standards**

<b>N = 14,498</b>	<b>Men</b>		<b>Women</b>	
	<b>Agree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Disagree</b>
<b>The leaders in this company set high standards for soldiers in terms of good behavior and discipline.</b>	71%	19%	61%	28%
<b>The leaders in the company enforce the standards they set for good behavior.</b>	65%	17%	54%	26%

### ***Exemplifying Standards***

Policies, regulations, or decrees alone will not create or enforce a positive human relations environment. The old adage that "actions speak louder than words" has never been more true than in this instance. As one focus group participant said, "The more you hear leaders speak it, and then watch them do it [maintain standards], you know that it is important." The chain of command must "lead by example," maintaining high standards of personal conduct.

- ♦ **Soldiers do not necessarily perceive that leaders hold themselves to the same standards they set for soldiers.**

Panel survey data reveal that while many soldiers believe that their leaders set high standards for behavior, fewer perceive that their leaders actually behave as good examples. As shown in Table 10, soldiers do not necessarily perceive that leaders hold themselves to the same standards they set for soldiers.

**Table 10--Leaders Exemplify Standards**

N = 14,498	Men		Women	
	Agree	Disagree	Agree	Disagree
The leaders in this company set good examples for soldiers by behaving the way they expect soldiers to behave.	54%	30%	41%	43%
The leaders in this company are more interested in looking good than in being good.	43%	41%	47%	38%
The leaders in this company are more interested in furthering their careers than in the well-being of their soldiers.	37%	43%	40%	42%

Quotations from soldier focus group participants anecdotally support the survey data. The Panel frequently received focus group comments to the effect of “Yeah, most of our leaders do [exemplify the standard]. There’s one or two that walk a thin line though.”; and “We have some commanders who say do what I say and not what I do.”; and “An officer here struck a tree DUI and was allowed to remain in command.”; and “Leaders have slack standards--they don't even take the PT test.”

### ***Distrust of Leaders by Soldiers***

- ♦ **Some soldiers perceive that leaders are not interested in their welfare.**

### ***Caring for Soldiers***

When officers and NCOs were asked by the Panel what they found most satisfying about their time in the Army, most cited the opportunity to work with and to develop young soldiers. Panel survey data reveal, however, that in a majority of cases, this care and concern is not transmitted to or perceived by soldiers.

**Table 11--Perceptions of Company Leadership**

N = 14,498	Men		Women	
	Agree	Disagree	Agree	Disagree
<b>My officers are interested in what I think and how I feel about things.</b>	47%	31%	41%	36%
<b>My officers are interested in my personal welfare.</b>	47%	27%	42%	32%
<b>My NCOs are interested in what I think and how I feel about things.</b>	61%	24%	55%	32%
<b>My NCOs are interested in my personal welfare.</b>	62%	20%	57%	27%
<b>I am impressed with the quality of leadership in this company.</b>	39%	40%	31%	51%
<b>I would go for help with a personal problem to people in the company chain of command.</b>	46%	37%	34%	52%

This perceived lack of interest on the part of leadership has contributed to a weakening of the essential bond of trust between leaders and their soldiers. This breakdown is evidenced by the survey finding that less than one-half of the soldiers responding to the Panel's survey indicated that they would approach their company chain of command for assistance with a personal problem.

In focus groups, soldiers remarked that "I just don't feel comfortable going to my squad leader about this," or that "I would never trust my chain of command to deal with sexual harassment." Many leaders recognize this breakdown in trust; one field grade officer remarked, "I don't think we know what goes on with the junior enlisted." Additionally, many leaders, because they have not experienced it, deny the existence of sexual harassment. A leader must be sensitive to the possibility that enlisted soldiers' experiences may be outside of the realm of the leader's personal experience.

Distrust of leaders is particularly evident in the survey responses of female soldiers. Only one-third would "go for help with a personal problem to people in the company chain of command." In focus group sessions, soldiers, especially women, repeatedly asserted that they require a system through which they can report inappropriate behaviors or other complaints without fear of reprisal. They expressed concern that existing agencies (e.g., IG, EOA, chaplain, etc.) work more for the chain of command than for soldiers. Soldiers seek only fair, respectful, and dignified treatment from their chain of command and agencies to whom they go for support and assistance. Unfortunately, many soldiers simply do not trust the present system to deal with their concerns.

♦ **Some leaders' concern for their own career progression takes priority over caring for their soldiers.**

The Panel is disturbed by the perception, as expressed by a number of soldiers in their survey responses and recorded in both Tables 10 and 11, that some leaders' concern for their own career progression takes priority over caring for their soldiers. Over one-third of male (37%) and female (40%) soldiers agreed with the survey



statement that leaders are more interested in furthering their careers than in the well-being of their soldiers. More female soldiers (47%) than male soldiers (43%) agreed that the leaders in their company are more interested in looking good than in being good. Only 39% of the men and 31% of the women agreed that they are impressed with the quality of leadership in their company. Focus group comments reinforced these survey findings. Many enlisted soldiers, particularly those in the grades of staff sergeant and below, believe that their leaders' paramount concerns are for themselves and their careers. "They [leaders] see us [soldiers] as getting them where they want to go. They could care less if we get where we need to go or what we have to put up with to get there." Survey data, focus groups, and personal interviews consistently reinforced the concept that the Army must make a concerted and continuous effort to improve and maintain our soldiers' trust and confidence in the chain of command.

### ***Commitment to Soldiers***

#### **♦ The Army is sending a mixed message about its commitment to its soldiers.**

The Panel notes several factors that detract from leaders' efforts to create a positive human relations environment. The stresses of expanding missions, diminishing resources, and increasing competition for advancement are real challenges confronting our leaders. One leader complained in a focus group that "there is simply not enough time, money, equipment, or people to get the mission done and to concentrate on maintaining a positive human relations environment." The high OPTEMPO and PERSTEMPO of today's Army also leave soldiers confused and without a clear mission focus. Complicated by the downsizing of the force, a high OPTEMPO requires leaders and soldiers to do "more with less." This reality is reflected in soldier perceptions that there are not enough dollars to buy modernized equipment, maintain their workplaces and housing, and to improve their quality of life. Further, many soldiers expressed concern that key medical, educational, and retirement benefits are eroding. Consequently, many believe that the Army has violated or broken its commitment to them.

### ***Zero Defects***

In focus groups, leaders vocalized distress at the existing "zero defects mentality," typified by an intense competition for promotion and advancement, wherein any mistake is perceived as a "discriminator" and, in effect, a career terminator. Leaders at all levels claimed to avoid risk-taking and creativity in problem solving because "failure is simply not tolerated." "Zero defects is affecting how I make decisions. One bad decision and my career is over." Another officer commented that, "zero defects determines if you do the right thing or please the person above you. It creates a moral dilemma."

One collateral effect of this "zero defects" environment is that "bad news," to include incidents of sexual harassment or sex discrimination, is consciously contained

at the lowest level of command. In an effort to prevent their more senior leaders from recognizing that one of their subordinates has a problem or has failed, junior leaders avoid reporting “bad news” to their superiors. The Army’s leadership philosophy of “solving problems at the lowest level,” designed to promote the exercise of personal responsibility by lower level leaders, has in certain cases served to delay the resolution of issues and to perpetuate problems. Panel assessments reveal that when senior leaders say “solve problems at the lowest level,” junior leaders perceive them as meaning “I don’t want to hear your problems.” When junior leaders fail to bring problems to the attention of their superiors, they are deprived of the benefit of the more extensive leadership and human relations experiences of their higher-level commanders. In turn, higher-level commanders are deprived of the capacity to monitor and assess trends in their subordinate units, and to implement measures to correct current defects and to forestall future problems. In the end, it is the soldier and the unit who pay the price.

Soldiers easily recognize their leader’s fear of failure or reluctance to ask for assistance from higher-level leaders. Soldiers perceive these traits as conclusive evidence that their leader is concerned only for his or her own career and will sacrifice the welfare of individual soldiers and the unit to secure personal advancement. One typical response from a soldier was that “senior NCOs and officers worry more about ticket stamps [punching]. The morale goes straight down the tubes when that happens.” Another soldier noted that “leaders are more worried about their next promotion than their people.” As stated by a female soldier commenting on her own experience in reporting an allegation of sexual harassment, “Things are always swept under the carpet to keep the unit or officer from looking bad. They just move the harasser.”

### ***Job versus Profession***

Many leaders and soldiers expressed concern that the Army is becoming more like a civilian job than a profession. Individual rights and privacy concerns, they say, are beginning to receive priority over the core values espoused by the Army. This attitude engenders a “9 to 5” mentality where only a soldier’s workplace behavior is deemed subject to leader scrutiny or concern. Any intrusion, inquiry, or demand related to a soldier’s private life and personal values is considered “off-limits” to the military leader.

The result is twofold. First, many leader focus group participants reported a reluctance to get involved in the private lives of their soldiers. Leaders shrink from venturing into the barracks, visiting the homes of their soldiers, or simply getting to know their soldiers. As a result, human relations problems grow unnoticed. One NCO remarked, “There is a hands off mentality. What they do on their own time has become their own business.” Many leaders appear to have misinterpreted the Better Opportunities for Single Soldiers (BOSS) program and Single Soldier Initiatives, which promote the overall quality of life for single and unaccompanied soldiers, as imposing

limits on leader involvement in the lives of soldiers. Focus group comments routinely indicated that leaders have “walked away from the barracks.” Many leaders have asserted, incorrectly, that the BOSS program (and Single Soldier Initiatives) have deprived them of the authority to intervene in the barracks or in soldiers’ private lives.

### ***Erosion of Bedrock Values***

Second, the shift from the perception of military service as a profession to “just a job” encourages soldiers’ beliefs that the requirement to adhere to Army values and standards extends only as far as their installation’s front gate. Like their leaders, soldiers perceive that anything that occurs “outside the gate” is personal, private, and beyond the bounds of legitimate Army concern or interest. One soldier characterized the situation saying, “We lead dual lives.” One life applies in the workplace where the soldier adheres to the values, rules, and norms of the Army. The other life revolves around private values, personal rules, and “off-time” activities.

Further, some soldiers reported their belief that the moral code applicable to other soldiers did not apply in their specific duty location. One soldier referred to his one year overseas tour as “TDY,”<sup>34</sup> or “Temporarily Divorced for a Year.” The Panel believes that this unacceptable and inappropriate mindset results from the absence of command support for and enforcement of Army values.

#### **◆ Women perceive that the Army is not committed to accepting them as members of the force.**

There exists a general perception that, while the Army as an institution claims to have fully accepted women as an essential element of the force, it has not taken the steps necessary to inculcate this commitment into the Army culture. Many female soldiers routinely hear that their selections for promotion, schooling, command, or other highly visible assignments have taken slots and opportunities away from male soldiers. In addition, females are often excluded from competition for positions for which male soldiers of their same rank/grade and branch/functional area are considered. Women perceive that they are selected for administrative and staff positions as opposed to operational or line assignments, and are often denied assignments in their primary career field in favor of work deemed “more appropriate for a woman.”

### ***Mentoring***

Of particular concern to the Panel is the lack of mentoring, coaching, and career counseling available to all soldiers, and female soldiers in particular, on both formal and informal levels. Many male leaders expressed a reluctance and even an inability to address what they perceive as “women’s issues.” The Panel believes that this absence of mentoring stems from a lack of commitment on the part of many of our

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<sup>34</sup> TDY is an acronym that in the normal usage means Temporary Duty. Here, the soldier was referring to a one-year tour overseas in which his family did not accompany him.

leaders, coupled with male leaders' fear that a close relationship with a female soldier, although professionally based and conducted, will generate perceptions of impropriety and prompt allegations of sexual harassment.

### ***Central Oversight of Human Relations and Leadership Programs***

- ◆ **There is no departmental cell specifically charged with strategic oversight of the human relations environment.**

Commitment to a positive human relations environment begins at the highest levels of leadership. As the Panel conducted its review of policy and survey of soldier opinions, it became apparent that in the area of human relations, the Army has been in the reactive mode too long. There is no cell in the Army staff specifically tasked to provide strategic oversight of the Army's human relations environment, leadership doctrine, and leader development. Although a human resources directorate exists in ODCSPER, that directorate has been downsized dramatically and must, of necessity, devote most of its efforts to reacting to problems. In the past, the directorate was led by a major general. For the past year, however, it has been headed by a colonel.<sup>35</sup> Officers assigned to the EO desks frequently lack command experience and EO training.

Headquarters, Department of the Army staff responsibility for leadership and leader development policy is divided between the DCSPER and the DCSOPS. Because the definitions of leadership and leader development are not clearly delineated in AR 600-100, *Army Leadership*, the division of responsibilities and functions between ODCSPER and the Office of the Deputy Chief of Staff for Operations (ODCSOPS) staffs is confusing. Key issues that are not addressed by AR 600-100 include the assignment of primary responsibility for advising the Army Chief of Staff on leadership and leader development policy, and what resources are required by MACOMS.

There is currently no Army agency responsible for the integration of research and policy in the human relations area. Also, the Army lacks both an effective reporting requirement, and a central repository to receive, analyze, and maintain such information. Neither DA nor individual commanders have any way to monitor the "big picture" in important human relations trends. Without a strategic view of the human relations environment, the Army will never be able to anticipate or take proactive steps to forestall or prevent problems.

In recent years, the Army has not made a substantive commitment to human resource issues, as disparities between policy and practice are prevalent. Soldiers view the Army's reaction to the so-called "sex-scandal" at Aberdeen Proving Ground as

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<sup>35</sup> As this report was being written, a brigadier general was named to be head of the human resources directorate.

“knee-jerk” and believe that, without the intense media interest, the Army would not have altered its “business as usual” practices. Further, many soldiers believe that once media attention to this issue abates, command emphasis will dissipate similarly.

Only good leadership can alter these soldiers’ perceptions. Army leaders are the critical factor in creating, maintaining, and enforcing an environment of respect and dignity in the Army. Army leader action will ultimately determine the impact of the Panel’s report.

# INITIAL ENTRY TRAINING

## ***Background***

### ***Civilian to Soldier***

Young men and women obtain their strongest and most enduring impressions of the Army when they are making the transition from civilian to soldier. It is at this time that they learn Army values and gain discipline from being held to standards. Trainees' first contact with the Army is through their recruiters. Once recruited, trainees are qualified for enlistment at a Military Entrance Processing Station (MEPS). After successful qualification, they enlist for a MOS and are given a date to begin IET. Upon arrival at a training installation, new recruits report to a reception battalion. Usually recruits spend three to seven days in reception processing before being sent to a training company.

### ***Training Components***

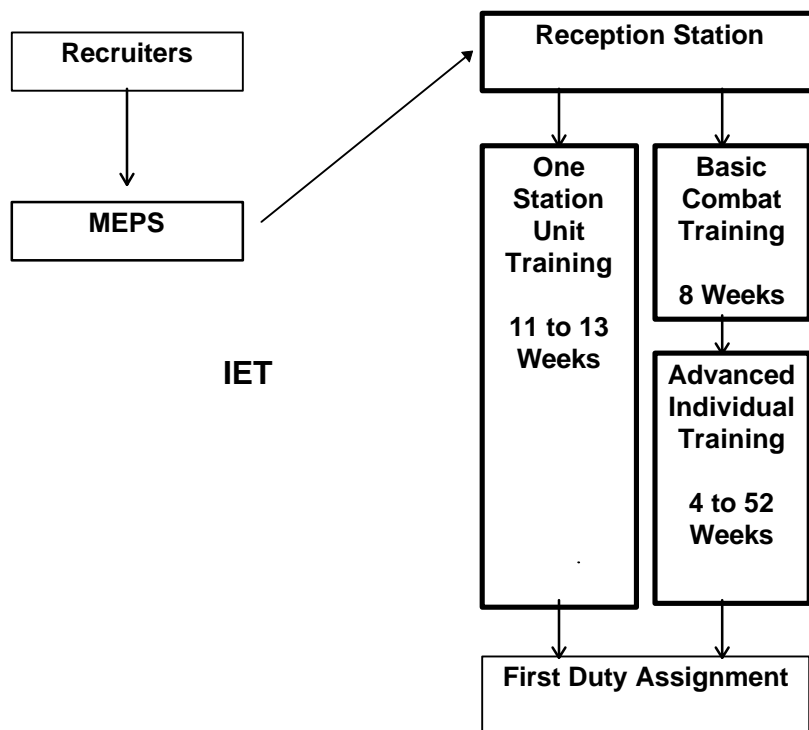
There are three training components of IET: Basic Combat Training (BCT), which is followed by Advanced Individual Training (AIT), or a combination of BCT and AIT called One Station Unit Training (OSUT). Most soldiers in combat support and combat service support MOSs enter the Army through BCT and are trained in gender-integrated companies. After they complete the eight-week BCT course, they proceed to AIT where each will receive instruction and training applicable to their specific MOS (such as cook or light vehicle mechanic). Advanced Individual Training can last from four to 52 weeks depending upon the specific MOS. All AITs are gender-integrated. Soldiers in combat arms and some combat support MOSs enter OSUT,<sup>36</sup> completing their basic combat skills and advanced individual training in one unit, at one location, with one group of soldier peers, and one group of drill sergeants and instructors. In all components, drill sergeants and instructors are key to the training process. They not only teach technical skills necessary for survival on the battlefield, they instill personal and unit discipline and Army values. They are the influential link between the trainee and the rest of the Army and serve as role models for new soldiers.

In BCT and OSUT, training is usually conducted by drill sergeants. In AIT, drill sergeants are primarily responsible for the daily administrative management of soldiers, physical training, and common soldier tasks training. Most of the MOS specific training in AIT is committee taught<sup>37</sup> by senior NCO instructors who hold that MOS. After completing OSUT or AIT, soldiers report to their first duty assignment with a unit. This progression from recruit to new soldier is depicted in Figure 2.

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<sup>36</sup> The OSUT military occupational specialties include the Armor, Chemical Corps, Engineers, Field Artillery, Infantry, and Military Police. Currently, 7% of OSUT trainees are women, almost all of whom are training in the Chemical and Military Police MOSs. All other MOSs go to BCT and AIT.

<sup>37</sup> The term "committee taught" refers to the system of instruction used at AIT. An instructor, from a group or "committee" of instructors, is assigned to teach specific classes on a rotational basis.



**Figure 2--The Flow from Recruiter to First Duty Assignment**

## ***Panel Assessment of Initial Entry Training***

### ***What We Did***

The Panel's review of the Army's training base consisted of written surveys and focus groups for trainees, drill sergeants, and instructors. The Panel traveled to training installations throughout the Army to document and record information depicting trainees' and trainers' experiences and opinions regarding sexual harassment, discrimination, and their perceptions of fair treatment. It also solicited the opinions and experiences of drill sergeant and instructor candidates attending schools designed to prepare them for their new duties, and spent a considerable amount of time observing training and talking with trainees, trainers, officers, command sergeants major, and civilian employees at both training installations and drill sergeant/instructor training schools.<sup>38</sup>

<sup>38</sup> A detailed training base scope, methodology, and data analysis discussion is provided in Volume II.

## ***What We Found***

There was a very positive aspect of the Panel's review in that it found trainees believe that the overwhelming majority of drill sergeants and instructors perform competently and well. The Panel's personal observations were similar. Panel members saw and met many hardworking drill sergeants who impressed them with being committed to the welfare of new recruits entrusted to their care and dedicated to training them to be proficient, disciplined soldiers. However, four major concerns were identified: lack of dignity and respect in the IET environment; inadequate preparation of trainers for IET duty; inadequate selection and assignment of trainers; and negative consequences of the focus on sexual harassment in IET.

### ***Lack of Dignity and Respect in the IET Environment***

- ◆ **Soldierization in IET tolerates sexualized behaviors that are inconsistent with instilling respect as an Army core value.**

### ***Extent of Sexual Harassment among Trainees***

Initial Entry Training is designed to challenge trainees mentally and physically and to develop in them the ethical base, discipline, and team spirit to become professional soldiers. Nevertheless, trainees experienced rates of sexual harassment lower than the rest of the Army in BCT and OSUT, and higher in AIT. In a single question assessing sexual harassment rates, 7% of the men and 24% of the women in AIT asserted that they had been sexually harassed since joining the Army. This corresponds to 7% of the men and 22% of the women in the Panel's Army-wide survey.

### ***Higher Rates in AIT***

As seen in the following table, trainees in AIT reported experiencing higher rates of sexual harassment and inappropriate behavior than trainees in either BCT or OSUT. Female trainees in AIT said they had experienced sexual harassment, crude or offensive behavior, or unwanted sexual attention at a rate greater than female soldiers who participated in the Panel's Army-wide survey. The percentages of trainee survey participants reporting any of the SEQ behaviors are shown in Table 12.



**Table 12--Trainees Responses: Experienced Sexual Harassment and Inappropriate Behaviors in the Different Training Components**

	BCT		OSUT		AIT		Total IET		Army-wide	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
<b>N =</b>	1613	778	1154	288	3415	1979	6182	3045		
<b>Experienced Sexual Harassment</b> <sup>39</sup>	6%	15%	4%	15%	9%	30%	7%	24%	7%	22%
<b>Crude behavior</b>	64%	64%	70%	74%	71%	82%	69%	75%	76%	78%
<b>Sexist behavior</b>	43%	56%	50%	65%	55%	71%	50%	65%	63%	72%
<b>Unwanted sexual attention</b>	17%	27%	21%	33%	28%	50%	24%	41%	30%	47%
<b>Coercion</b>	3%	3%	2%	4%	7%	13%	5%	10%	8%	15%
<b>Assault</b>	1%	2%	1%	3%	3%	5%	2%	4%	6%	7%

As discussed in the “Extent of Sexual Harassment” section of Part IV, Volume I, IET soldiers are being subjected to inappropriate behaviors but do not define or identify those behaviors as sexual harassment. This is particularly true of female soldiers in the AIT environment. Most trainees are able to generalize parts of the Army’s definition of sexual harassment without truly understanding that inappropriate behaviors may lead to and include sexual harassment. Many trainees reported that they do not view many of the behaviors encompassed in the Army’s definition of sexual harassment as harassment or as inappropriate. These trainees view such acts as consensual behavior or flirting. In trainee focus groups, most trainees indicated that sexual jokes, sexual comments, and touching are common and are often not viewed as offensive by either the perpetrator or the recipient. There are, however, some trainees who do not like or condone such actions or language. They reported that this behavior is endured because, “it’s just the way the Army is.” A female trainee said, “Males make comments that are uncalled for. They need education and/or manners. I know it’s because of how and where they grew up, but they need to stop.” Clearly the soldierization process has failed to adequately promote a climate of dignity and respect and an understanding of appropriate and inappropriate behavior.

When asked to provide examples of sexual harassment, trainees’ answers covered a wide range of behaviors from “simply talking to women” to committing rape. A trainee said, “I don’t think it can be explained. It depends on the individual.” Another trainee reported, “I think I’m supposed to read minds.” Supporting this comment was a response by a female trainee, “If one guy looks at you but you like him, it’s flirting. If he gives you the ‘creeps,’ it’s sexual harassment.” The lack of a clear understanding of

<sup>39</sup> BCT, OSUT, and AIT were asked, “Have you ever been sexually harassed since joining the Army?” The Army wide survey asked, “In the last 12 months, have you been sexually harassed?”

sexual harassment leads to continued incidence of inappropriate behaviors and a normalized environment that is counter to Army core values.

Some male and female trainees reported that “sexual harassment is ‘blown out of proportion.’ The media is taking it further than it should go.” A few trainees said, “It’s gone way, way too far. You don’t know what it [sexual harassment] is anymore.” Many trainees of both sexes wanted concrete examples or a “list” of behaviors that constitute sexual harassment. The Panel questions whether such a list would be beneficial. It could be used as a means of getting “off the hook,” without taking responsibility or being held accountable for potentially offensive behavior unless it is contained within a specific list. What is certain is that sexual harassment in the broader context of dignity and respect is not part of trainees’ frame of reference.

♦ **Some drill sergeants harass their soldiers and/or do not correct inappropriate behavior between trainees.**

Our data analysis suggests that sexual harassment is degrading good order and discipline in some parts of the training base. Some drill sergeants are committing acts of sexual harassment/misconduct as well as failing to set the proper example or correcting inappropriate behavior between trainees. The majority of trainees who reported that they had been sexually harassed since joining the Army indicated that the harassment had occurred either during training or in the barracks. As seen in Table 13, the major source of sexual harassment for male trainees was drill sergeants, while female trainees identified other trainees as the major source of sexual harassment.

**Table 13--Sources of Harassment**

<b>Trainees</b>	<b>Drill Sergeants</b>	<b>Other Trainees</b>
<b>Men (N = 736)</b>	42%	22%
<b>Women (N = 409)</b>	27%	42%

This personal misconduct and/or failing to correct inappropriate behavior between trainees affects not only the trainee who is being victimized, but all trainees in the unit who fail to learn appropriate behavior because of a lax attitude on the part of some drill sergeants. Trainers, as well as trainees, must be more conscious of Army core values, especially in terms of their leadership responsibilities.

♦ **Generally, trainers reported they have not observed sexual harassment in their unit, but a significant number of female trainers reported they have experienced sexual harassment.**

## **Extent of Sexual Harassment among Trainers**

Of the 254 trainers surveyed, 75% were men and 24% were women.<sup>40</sup> Most of the men (83%) and many of the women (67%) had not observed sexual harassment in their current training company. However, 39% of the women and 2% of the men reported that they had been subjected to sexual harassment in the last 12 months. They reported that the most frequently observed behaviors were crude or offensive behavior, sexist behavior, and unwelcome sexual advances. Male trainers indicated that, with regard to the most recent act of sexual harassment to which they had been subjected, AIT instructors, officers in their chain of command, or other drill sergeants had been the harassers. Female trainers identified other drill sergeants, first sergeants, and other NCOs as the prevalent harassers in their most recent experience.

Overall, 92% of the trainers reported experiencing at least one of the SEQ behaviors. As shown in Table 14, most male and female trainers reported that they had been subjected to crude or offensive behaviors and sexist behaviors. Trainers were more likely than soldiers in the Panel's Army-wide survey to report experiencing crude or offensive behaviors, sexist behaviors, and unwanted sexual attention. Because of the small sample of female trainers, their data should be viewed with caution. Trainers experienced SEQ behaviors in higher numbers than any other group surveyed.

**Table 14--Trainer Responses: Experienced SEQ Behaviors<sup>41</sup>**

	<b>Crude or offensive behavior</b>	<b>Sexist behavior</b>	<b>Unwanted sexual attention</b>	<b>Coercion</b>	<b>Assault</b>
<b>Men (N = 190)</b>	90%	73%	39%	6%	2%
<b>Women (N = 61)</b>	93%	93%	83%	40%	10%

One trainer commented, "I see more gender discrimination than sexual harassment." Another trainer reported, "I had a complaint on my First Sergeant. . . . He was allowed to PCS<sup>42</sup> and I was moved to another unit."

- ◆ **Drill Sergeants, instructors, and officers are treating each other with varying degrees of respect, dignity, and support.**

<sup>40</sup> Question response rates for each question vary as not all respondents answered all questions.

<sup>41</sup> Percentage experiencing at least one inappropriate behavior. The data for trainers are based on a small number of cases and should be viewed with caution.

<sup>42</sup> PCS is an acronym for Permanent Change of Station. In other words, a soldier moves on to his or her next duty assignment.

## ***Peers***

Trainers were asked a series of questions about their relationships with one another and with their officer leaders. Most of the male and female trainers reported fair treatment from peers. Men more than women mentioned in surveys and focus groups that trainers treat one another with respect and courtesy and work together as a team. Female trainers, however, reported negative relationships with male trainers due to gender conflicts.

## ***Chain of Command***

Over two-thirds of the male trainers, but only half of the female trainers, believe they have been treated fairly by their chain of command overall or in sexual harassment matters. Most of the male trainers and many of the female trainers feel they have the support of their chain of command. Most men reported, however, that officers do not treat them with respect and dignity. Many women echoed this concern. A few drill sergeants complained that officers are spending too much time with trainees doing "sergeant's business," either out of boredom or a distrust of the drill sergeants, and they view this as disrespect. A male trainer said, "Commanders are too involved; officers do too much of our business." Two other trainers said, "Commanders are running scared because of the media blitz," and "Officers will support you until he or she gets in trouble. The staff sergeant or sergeant first class will take the fall, not the officer." Men frequently mentioned disrespect from senior officers as contributing to negative relationships.

## ***Inadequate Preparation of Trainers for IET Duty***

### **♦ Trainers complain that current EO training is not preparing them to handle sexual harassment situations.**

In assessing their Drill Sergeant Course or Instructor Training Course, most trainers said they had been trained in effective ways to train soldiers; however, only some said their training prepared them for their current job. Trainers complained that most of the training they received consisted of memorizing modules or regulations, but did not teach them how to handle sensitive situations when they occurred. One trainer highlighted this point by saying "[I was] not trained to deal with [sexual] advances by trainees." Another trainer said, "They show you a little film [on sexual harassment], they show you how to recognize it, but not how to handle it." Finally, another trainer discussed the problem with the current training by saying, "[The] course [on sexual harassment] needs to be updated. [The] situations are too old."

## ***POSH Training***

All trainers interviewed had received POSH training in the last 12 months. Many of the men reported that this training was effective in making them aware of behaviors that might constitute sexual harassment, but many women viewed the training as ineffective. Many trainers said they were receiving POSH training too frequently; the Army was “oversaturating” them with POSH training.

The Panel believes training for drill sergeants should address the fact that attraction between drill sergeants and trainees does occur. Thus, drill sergeants need training in recognizing inappropriate feelings/behaviors in themselves and taking action to control the situation. Currently, the Drill Sergeant Course and Instructor Training Course do not prepare trainers to handle sexual harassment/misconduct challenges that confront them in the IET environment. The POSH training the Panel reviewed used simplistic examples of appropriate/inappropriate behavior that offered little guidance in helping a trainer work through difficult and complex interpersonal situations.

## ***Drill Sergeant School***

Drill sergeant training is conducted at three separate locations (Fort Leonard Wood, Fort Jackson, and Fort Benning). The Panel sees a true advantage in combining the three schools into one. There would be an efficiency in resources and a uniform standard of quality for EO training, affording candidates a common, shared understanding of sexual harassment issues and Army ethics. Ultimately, the human relations environment in the training base and in the Army as a whole would benefit.

## ***Selection and Assignment of Trainers***

- ♦ **The screening of candidates for drill sergeant duty lacks rigor.**

### ***Selection***

Drill sergeants and instructors are the most important contact new trainees have with the Army. The demanding nature of drill sergeant/instructor duties places these NCOs in positions of high authority, autonomy, and respect. It is vitally important that these NCOs be persons of the highest caliber, who demonstrate personal discipline and character, and are held to strict standards of professionalism.

The Army has established standards of selection for drill sergeants.<sup>43</sup> AR 614-200, *Selection of Enlisted Soldiers for Training and Assignment*, states that, “Since the drill sergeant is the primary representative of the Army during the formative weeks of an enlistee’s training, only the most professionally qualified soldiers will be assigned these

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<sup>43</sup> An NCO either volunteers or is selected by DA to attend the nine-week Drill Sergeant Course.

duties.”<sup>44</sup> In fact, however, the Panel observed a general lack of rigor in the drill sergeant/instructor selection process. Most of the drill sergeant candidates are selected at DA level. Selectees are subjected to a records check that includes, among other things, a personnel records screen. When a soldier volunteers, the candidate’s current chain of command must review and endorse the candidate’s suitability for the position. There is no psychological testing of any type, other than a check of medical records. Once soldiers have been selected as drill sergeant candidates, they risk serious harm to their careers if they turn down or otherwise fail to complete the program.

♦ **The number of drill sergeants and their utilization present issues for Army review.**

***Assignment***

Army regulations require that BCT and OSUT drill sergeants be assigned on a ratio of one drill sergeant for every 20 soldiers. In AIT, drill sergeants are supposed to be assigned on a ratio of one drill sergeant for every 50 soldiers. While the Army generally meets standards for BCT and OSUT units, the Panel found that the number of drill sergeants in AIT is woefully inadequate.<sup>45</sup> No training unit visited by the Panel had a full complement of drill sergeants. The Panel noted ratios as large as one drill sergeant for every 200 soldiers in AIT units. Some of the problems resulted from drill sergeants’ attendance at schools, being TDY, or being assigned to perform additional duties not normally assigned to a drill sergeant (i.e., they were assigned these duties because other support positions in units had been cut). The Army must ensure drill sergeants are utilized appropriately, are of sufficient number to maintain good order and discipline, and oversee the soldierization process of their soldiers.

***Negative Consequences of Sexual Harassment Focus in IET***

♦ **Trainees report a negative backlash in the form of ad hoc segregation as a consequence of emphasis of sexual harassment training.**

The publicity over sexual misconduct has prompted the Army to increase requirements for POSH training. As a result, trainees perceive that the Army is trying to prevent sexual harassment by “scaring” them into compliance, rather than teaching them how to behave properly and professionally. The result is that some soldiers reported alienation between men and women.

Some trainees said that the Army has “gone overboard” with POSH training. One male soldier said, “It becomes a joke if you receive too much training. People stop

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<sup>44</sup> Dep’t of Army, Regulation 614-200, Selection of Enlisted Soldiers for Training and Assignment, para. 8-16b (September 17, 1990).

<sup>45</sup> Twenty percent of Army accessions are women, but the training base is composed of only ten percent female drill sergeants.

paying attention.” The established training policy is to encourage gender-integrated training that reflects the reality of a mixed-gender Army. It appears that, out of fear for their own careers or possible embarrassment, some leaders have implemented an unofficial policy of gender segregation within an integrated unit. This results in divisiveness between soldiers, not the unified, high performance team the Army must bond to ensure mission readiness.

Trainees note that gender segregation is occurring in their units. Some male trainees stated they are afraid to even talk to female trainees, not to mention working side-by-side with them every day. One male trainee said, “In BCT, we are told to stay away from females. Climb up a tree, whatever, avoid at all cost.” One trainee reported that men and women eat separately in the same dining facility, and that they shine their boots on different bleachers. Some trainees reported that gender-integrated basic training is “de facto” a “segregated-integrated” basic training. A female trainee reported that, “If they won’t let us [men and women] talk to each other or help each other, why are we training together?” In some of the male trainee focus groups, a number of trainees said, “We are expected to work together. Why can’t we train together?” and “We are integrated, but segregated within.”

♦ **Trainers fear that if they are charged with sexual harassment, they will be treated unfairly by their leaders.**

Some male trainers indicated that they are fearful of potential sexual harassment charges due to possible retaliation from trainees. Many male drill sergeants and instructors expressed a belief that trainees’ complaints against drill sergeants are automatically viewed as credible, even if lacking in merit. Most feel they receive adequate support from their leadership--until they become the subject of an accusation of sexual harassment. A male trainer said, “I’d be gone. . . people are expendable.” Another trainer reported, “Once your name is mucked up with a false allegation,<sup>46</sup> the privates get away with making a false allegation, but you never can clear your name.”

Overall, trainers asserted the need for more strict punishment for individuals who make false allegations. Many drill sergeants believe that trainer and trainee roles have been improperly reversed with regard to authority and credibility. According to many drill sergeants, trainees who allege harassment or abuse at the hands of a drill sergeant are more likely to be believed than the drill sergeant who denies the allegation. Once a sexual harassment allegation is made, the trainer is suspended

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<sup>46</sup> A false EO complaint is one “containing information or allegations that the complainant knew to be false.” AR 600-20, para. 6-8q.

“A substantiated EO discrimination complaint is a complaint that, after the completion of an inquiry or investigation, provides evidence to indicate that the complainant was more likely than not treated differently because of his or her race, national origin, gender, or religion and that corrective action must be taken.” AR 600-20, para. 6-8j.

“There are two types of unsubstantiated complaints--complaints for which there is no corroboration and those for which the corroborating evidence is insufficient to substantiate the allegations.” AR 600-20, para. 6-8k.

from his/her training responsibilities. Even if the allegations are unfounded, many drill sergeants expressed a belief that the damage to their careers and reputations is permanent. Although the UCMJ and Army regulations provide commanders with the authority to process those who make false allegations, trainers do not perceive that their leaders would take any action to punish trainees who complain falsely.

Most drill sergeants understand the Army's definition of sexual harassment. A few, however, complained of inconsistency in the application of standards to NCOs and officers against whom an allegation of sexual harassment is made. For example, a few NCOs thought it "unlikely" that any officer would be charged with sexual harassment, even though an NCO would be punished severely for the same conduct. One trainer said, "An O-6 [Colonel] gets away with things an E-6 [Staff Sergeant] would be killed for."

The Panel believes leadership is central to dealing with these negative consequences. As discussed in the "Leadership" section of Part IV, Volume I, leaders who practice good leadership can mitigate such adverse effects.

### ***Other Issues***

- ◆ **Generally, trainees perceive drill sergeants treat men and women equally, but some male trainees perceive they are expected to meet a higher standard.**

### ***Fair Treatment***

Most male trainees and many female trainees reported that, regardless of gender, all soldiers receive equal encouragement to succeed and complete training by both male and female drill sergeants. Men and women believe that the drill sergeants uphold the same standards for all trainees. Several female trainees reported, "I don't like the drill sergeants, but they are all very fair," and "We all get our fair share of being picked on." A few female trainees, however, indicated that female trainers are harder on female trainees than on male trainees. In a trainee focus group, a female trainee said, "Female drills are harder on females because they want you to succeed." Another trainee reported, "Female drill sergeants have high[er] expectations which leads to the perception that women drill sergeants are harder."

Although the majority of trainees reported that drill sergeants encourage men and women equally, more than one-half of male trainees believed that they are expected to train to a higher standard than women. Most female trainees, however, believe that women are expected to achieve the same training standards as men. This perception of inequity by men may lead to resentment and further alienation. A male trainee reported, "[We are assigned] different details--females do paperwork and males dig up trees." This has the consequence of reinforcing sex role stereotypes and diminishes the value of female trainees in the unit.



Some male and female trainees reported that male/female double standards are a problem in their training, but most trainees were referring to physical training standards established by Army policy. Physical training remains a misunderstood program when it comes to male and female standards. Most soldiers understand different standards based on age group, yet different standards based on gender receive much more negative attention. A few male trainees also complained that the military demeanor and conduct of female soldiers is more lax and attributed this to more lenient treatment during training. Again, leaders hold the key. It is their responsibility to maintain uniform standards and to dispel misperceptions of preferential treatment or double standards.

Other detractors also exist at AIT. Service members from other military services and reclassified soldiers attending AIT are treated in a different, much more collegial manner than trainees. Trainees view this treatment as a double standard that further degrades an already troubled environment. Drill sergeants must take on a more meaningful training role in AIT.

- ◆ **Trainees are more likely to report sexual harassment than soldiers in the rest of the Army.**

### ***Reporting Sexual Harassment***

When asked if they would report an incident of sexual harassment or discrimination, most trainees replied that they would report an incident of sexual harassment, if they were unable to handle it on their own or if the harassment continued. One male trainee said, "The standard is zero tolerance and if we don't report it we are wrong." Several female trainees echoed this sentiment. One female trainee stated, "We feel we have an obligation to report. If we don't report, the violator could continue to harass others."

If unable to resolve a sexual harassment incident informally on their own, most trainees stated that they would use formal methods to resolve the situation. Most of the male trainees (70%) and many of the female trainees (66%) agreed that the formal complaint procedures are clear. Both male and female trainees said they would first report a sexual harassment incident to their chain of command, specifically to the officers in their chain of command, then to drill sergeants or instructors, and finally to an outside source like a chaplain, an EOA, or an EOR.

In many units, however, the EOR was a drill sergeant. Some trainees complained that it is difficult to bring an EO or sexual harassment complaint to an EOR who is a drill sergeant, particularly if the complaint concerns another drill sergeant in the same unit.

## **EPILOG**

The preceding pages represent the views of thousands of soldiers who met with the Senior Review Panel. They have told the Panel their perceptions of the Army's human relations environment and the impact of that environment on their lives. The recommendations that have been made to address problems in soldier workplaces are but the critical first steps that Army leaders must take to improve the Army's human relations environment.

This Report, the Panel's analysis in this volume and the data contained in Volume II, represents the most comprehensive exploration of the human relations environment of the United States Army ever compiled. Its very existence underscores the Army's commitment to its soldiers.

Lastly, Panel members believe that one of the most important benefits of its work is the impact its travels have had, and will continue to have, on soldiers. They will long remember the great soldiers, men and women, with whom they were privileged to meet.

## **ANNEX B**

### **SENIOR REVIEW PANEL MEMBER BIOGRAPHIES**

#### **Major General Richard S. Siegfried**

Chair of the Senior Review Panel on Sexual Harassment. MG Siegfried retired from the U.S. Army on October 1, 1995, after 34 years of service and was recalled to active duty by the Secretary of the Army to chair the Panel. Previous assignments include Commanding General of Fort Jackson, South Carolina, and Deputy Inspector General, Department of the Army. His last assignment in the Army was as Inspector General, U.S. Army.

#### **Brigadier General Evelyn P. Foote**

Vice Chair of the Senior Review Panel on Sexual Harassment. BG Foote retired from active duty on September 1, 1989, and was recalled to active duty in December 1996, to serve with the Senior Review Panel. During her 29 years of duty, she held a variety of command and staff positions to include Deputy Inspector General (Inspections), Department of the Army. Her career culminated with her assignment as Commanding General of Fort Belvoir, Virginia.

#### **Mr. John P. McLaurin, III**

Assistant Vice Chair of the Senior Review Panel on Sexual Harassment. Mr. McLaurin is the Deputy Assistant Secretary of the Army for Military Personnel Management and Equal Opportunity Policy. He is a retired Colonel of the U.S. Army and a lawyer. His key active duty assignments before concluding his career in the Judge Advocate General's Corps included Staff Judge Advocate of the 2nd Infantry Division in the Republic of Korea, and of the Health Services Command in San Antonio, Texas. In 1996, Mr. McLaurin served as a member of the Secretary of the Army's Task Force on Extremist Activities.

#### **Lieutenant General Claudia J. Kennedy**

Member of the Senior Review Panel on Sexual Harassment. LTG Kennedy has served for over 28 years in first the Women's Army Corps and then in the Army as a Military Intelligence Officer. She has held a variety of command and staff positions

both in the United States and in overseas assignments. LTG Kennedy is currently serving as the Deputy Chief of Staff for Intelligence.

### **Major General Larry R. Ellis**

Member of the Senior Review Panel on Sexual Harassment. MG Ellis has served for over 27 years as an Infantry Officer in various command and staff assignments in the United States, Vietnam, the Federal Republic of Germany, and the Republic of Korea. From October 1996 to May 1997, he served as the Assistant Deputy Chief of Staff for Personnel. MG Ellis is currently assigned as the Commanding General of 1st Armored Division.

### **Mrs. Ruby Butler DeMesme**

Member of the Senior Review Panel on Sexual Harassment. Mrs. DeMesme is the Deputy Assistant Secretary of the Air Force for Force Management and Personnel. She has served both the Army and the Air Force at the Senior Executive Staff level since 1990. Mrs. DeMesme is a former Senate staffer and has been an Army spouse for over 30 years.

### **Command Sergeant Major Cynthia A. Pritchett**

Member of the Senior Review Panel on Sexual Harassment. CSM Pritchett has served for over 23 years in leadership positions including Drill Sergeant, student and faculty Battalion Commander at the United States Army Sergeants Major Academy. CSM Pritchett is the Army's Senior Enlisted Advisor to the Defense Advisory Committee on Women in the Services. In 1996, she worked on the Secretary of the Army's Task Force on Extremist Activities. CSM Pritchett is currently assigned as Post Command Sergeant Major at Fort Belvoir, Virginia--the first woman chosen to serve in this position.

## **ANNEX C**

### **ACRONYMS / ABBREVIATIONS**

AAP	Affirmative Action Plan
AIT	Advanced Individual Training
AMEDD	Army Medical Department

APFT	Army Physical Fitness Test
AR	Army Regulation
ARI	Army Research Institute
ASI	Additional Skill Identifier
BCT	Basic Combat Training
BG	Brigadier General
BOSS	Better Opportunities for Single Soldiers
CAL	Center for Army Leadership
CONUS	Continental United States
CSM	Command Sergeant Major
DA	Department of the Army
DACOWITS	Defense Advisory Committee on Women in the Services
DA Pam	Department of the Army Pamphlet
DCPC	Direct Combat Position Coding
DCSOPS	Deputy Chief of Staff for Operations
DCSPER	Deputy Chief of Staff for Personnel
DEOMI	Defense Equal Opportunity Management Institute
DIBRS	Defense Incident-Based Reporting System
DoD	Department of Defense
DMDC	Defense Manpower Data Center
DRRI	Defense Race Relations Institute
EEO	Equal Employment Opportunity

EEOC	Equal Employment Opportunity Commission
EO	Equal Opportunity
EOA	Equal Opportunity Advisor
EOR	Equal Opportunity Representative
ETS	Expiration Term of Service
FM	Field Manual
FY	Fiscal Year
GAO	U.S. General Accounting Office
HQDA	Headquarters, Department of the Army
HRD	Human Resources Directorate
IET	Initial Entry Training
IG	Inspector General
LTG	Lieutenant General
MACOM	Major Command
MEPS	Military Entrance Processing Station
MEOCS	Military Equal Opportunity Climate Survey
MG	Major General
MOS	Military Occupational Specialty
MPR	Military Police Report
MSG	Master Sergeant
MWR	Morale, Welfare, and Recreation
NAACP	National Association for the Advancement of Colored People
NAFI	Nonappropriated Fund Instrumentality

NCO	Noncommissioned Officer
NCOER	Noncommissioned Officer Evaluation Report
NIBRS	National Incident-Based Reporting System
OCONUS	Out of the Continental United States
OCS	Officer Candidate School
ODCSOPS	Office of the Deputy Chief of Staff for Operations
ODCSPER	Office of the Deputy Chief of Staff for Personnel
OEOP	Office of Equal Opportunity Programs
OER	Officer Evaluation Report
OPTEMPO	Operational Tempo
OSUT	One Station Unit Training
PERSCOM	U.S. Total Army Personnel Command
PERSTEMPO	Personnel Tempo
PME	Professional Military Education
POI	Program of Instruction
POSH	Prevention of Sexual Harassment
PT	Physical Training
Ret.	Retired
ROTC	Reserve Officers' Training Corps
RR/EO	Race Relations/Equal Opportunity
SEQ	Sexual Experiences Questionnaire
SFC	Sergeant First Class

SGM	Sergeant Major
SIR	Serious Incident Report
SQI	Skill Qualification Identifier
SSG	Staff Sergeant
SSI	U.S. Army Soldier Support Institute
SSMP	Sample Survey of Military Personnel
TC	Training Circular
TDA	Table of Distribution and Allowances
TDY	Temporary Duty
TOE	Table of Organization and Equipment
TRADOC	U.S. Army Training and Doctrine Command
TSP	Training Support Package
UCMJ	Uniform Code of Military Justice
USMA	United States Military Academy
WAC	Women's Army Corps



## **ANNEX D**

### **INSTALLATIONS AND LOCATIONS VISITED**

The Panel visited the following installations/locations between January 21, and May 21, 1997:

#### **CONUS (Continental United States)**

Aberdeen Proving Ground, Maryland	Fort Lee, Virginia
Army Materiel Command (AMC)	Fort Leonard Wood, Missouri
Headquarters, Virginia	Letterkenny Army Depot, Pennsylvania
Baltimore Recruiting Battalion,	Fort Lewis, Washington
Maryland	Fort McClellan, Alabama
Fort Belvoir, Virginia	Fort Meade, Maryland
Fort Benning, Georgia	Headquarters, Department of the Army
Fort Bliss, Texas	(Pentagon)
Fort Bragg, North Carolina	Fort Polk, Louisiana
Fort Campbell, Kentucky	Fort Rucker, Alabama
Fort Carson, Colorado	Fort Sam Houston (AMEDD School),
Fort Drum, New York	Texas
Fort Eustis, Virginia	Seattle Recruiting Battalion,
Fort Gordon, Georgia	Washington
Fort Hood, Texas	Fort Sill, Oklahoma
Fort Huachuca, Arizona	Tobyhanna Army Depot, Pennsylvania
Fort Irwin, California	U.S. Total Army Personnel Command
Fort Jackson, South Carolina	(PERSCOM), Virginia
Kansas City Recruiting Battalion,	Walter Reed Army Hospital, District of
Kansas	Columbia
Fort Knox, Kentucky	White Sands Missile Range,
Fort Leavenworth, Kansas	New Mexico

#### **OCONUS (Out of the Continental United States)**

##### **Alaska**

Fort Richardson  
Fort Wainwright

##### **Bosnia**

Tuzla

##### **Italy**

Vincenza

##### **Japan**

Camp Zama  
Okinawa

**Germany**

Heidelberg  
Mannheim  
Ramstein  
Baumholder  
Darmstadt  
Wurzburg

**Hawaii**

Johnston Island  
Schofield Barracks  
Tripler Army Medical Center

**Honduras**

Joint Task Force Bravo

**Korea**

Camp Casey  
Camp Humphries  
Camp Stanley  
Yongsan

**Kuwait**

Camp Doha

**Panama**

Fort Clayton

**Saudi Arabia**

Dhahran  
Riyadh

## ANNEX E

### REVIEW OF POLICIES

#### HISTORICAL OVERVIEW

Before describing current Army policy regarding equal opportunity (EO) for soldiers, it is appropriate to synopsize the Army's efforts during the last thirty years. In 1964, in response to Department of Defense (DoD) Directive 5120.36, *Equal Opportunity in the Armed Forces*, the Army implemented its first regulation concerning EO, Army Regulation (AR) 600-21, *Equal Opportunity and Treatment of Military Personnel*. Since then, the Army's efforts to achieve equal opportunity have centered around three issues: improving race relations, eliminating gender discrimination, and eliminating sexual harassment.

#### ***Race Relations***

During the late 1960s and early to mid 1970s, the Army concentrated on the problem of race relations. The Civil Rights movement, the accompanying unrest of the 1960s, the institutional turmoil caused by the Vietnam War, the end of the draft, and the need to establish a volunteer Army all exacerbated tensions and heightened racial polarization in the Army. Concerned that these problems were affecting unit readiness, the Army directed its efforts toward educating soldiers and leaders, and placing trained EO experts into the field. By 1972, more than 2000 school-trained EO officers and noncommissioned officers (NCOs) were on hand, filling formally established positions in the Army unit organizational manning tables, to assist commanders in eliminating racism and discrimination in the Army.

As stated in AR 600-42, *Race Relations Education for the Army*, the objective of the Army race relations education program was "to maintain the highest degree of organizational and combat readiness by fostering harmonious relations among all military personnel under Army control."<sup>1</sup> Army policy mandated a yearly 18-hour block of race relations and equal opportunity (RR/EO) instruction for all soldiers, taught by instructors trained at the Defense Race Relations Institute (DRRI), now known as the Defense Equal Opportunity Management Institute (DEOMI). Unit commanders, however, had no responsibility for EO training. Regulations did direct leaders to consider the quality and effectiveness of subordinates' leadership and support of RR/EO principles and policies when evaluating them and made the command

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<sup>1</sup> Dep't of Army, Regulation 600-42, *Race Relations Education for the Army*, para. 2 (December 11, 1973).

implementation of the EO program and race relations program a special subject for inspections.

In 1973, AR 600-21, newly titled as *Race Relations and Equal Opportunity*, and AR 600-42 placed the responsibility for conducting the unit RR/EO program squarely on the chain of command. The Army developed leader handbooks, discussion outlines, and subject schedules to assist commanders in training their soldiers. Surveys showed this directed focus increased soldiers' trust that the Army was serious in solving the most pressing EO problems.

Company-level commanders became ambivalent about their training requirements, however.

*On the one hand, they claimed that they did not have the time to devote to it; that they did not have the training to teach them how to conduct an effective program; that their personnel were not interested in it; that they had a difficult time getting personnel to attend because of conflicting "mission related" duties; that the RR/EO staff did not really provide adequate support; and that the program was being "crammed down their throats." On the other hand, they maintained that they wanted more responsibility for determining whether they needed a program in their units, how often training should be conducted, what topics should be covered, and who should attend.<sup>2</sup>*

### **Army Proponency**

The responsibility for monitoring the Army EO program was assigned to the Deputy Assistant Secretary of the Army--Equal Opportunity. The Deputy Chief of Staff for Personnel (DCSPER), a member of the Army General Staff, was responsible for the development, management, and execution of the EO program. In 1971, the Office of Equal Opportunity Programs (OEOP) was established as a division in the Office of the Deputy Chief of Staff for Personnel (ODCSPER) to carry out this function. "This Office developed the policy and guidance for the Army's EO program, and served as the Army's principal action office in helping to resolve RR/EO problems throughout the Army."<sup>3</sup> The OEOP was originally under the direction of a general officer and senior colonels. By 1985, the OEOP was a just small branch within the Leader Policy Division of the Human Resources Directorate (HRD), ODCSPER, under the direction of a major. In 1986, the HRD was disestablished with its remaining functions going to other directorates. In 1990, the HRD was reestablished to more centrally manage human

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<sup>2</sup> James A. Thomas, ed., *Race Relations Research in the U.S. Army in the 1970s, A Collection of Selected Readings* (United States Army Research Institute for the Behavioral and Social Sciences, 1988), p. 47.

<sup>3</sup> *Ibid.*, p. 36.

resources programs. Today's OEOP, now authorized a lieutenant colonel and sergeant major, is located within the Leadership Division of HRD, ODCSPER.

## ***Women in the Army***

While women's issues were evident during the years of the Women's Army Corps (WAC), the WAC chain of command typically ensured the resolution of problems when and where they occurred. Change began in 1973 with the end of the draft and the beginning of the all-volunteer Army. That same year, Army policy changed to provide for equal opportunity and treatment for uniformed members without regard to not only race, color, religion, or national origin, but also gender. On an individual basis, women were no longer required to leave the service when pregnant, married women were allowed to enlist, and women were given full benefits for their dependents. Organizationally, the years 1972 to 1978 were years of change: women entered the Army Reserve Officers' Training Corps (ROTC) program in 1972, began integrating into Table of Organization and Equipment (TOE) units in 1975, enrolled at the United States Military Academy (USMA) in 1976. By 1977, women started training alongside men in basic training, and female officers served in all branches of the Army except combat arms. In 1978, the Women's Army Corps was disestablished and women were integrated into the Army.

During the early and mid 1980s, changes in the Army's interpretation of the combat exclusion policy resulted in several military occupational specialties (MOSs) being closed to women and thousands of positions, once open to women, being recoded male only. The Army reexamined its policy in response to criticism from the General Accounting Office (GAO) and the DoD Task Force on Women in the Military. By 1990, women could serve in 90% of the Army enlisted MOSs; the remaining 10% were primarily combat arms, which were closed to women by the combat exclusion policy, designed to keep women out of direct combat. In January 1994, the Secretary of Defense directed that all positions be opened to women except those units below brigade level that had a primary mission of engaging in direct ground combat.

In 1977, the Army consolidated AR 600-21 and AR 600-42 under a new AR 600-21, *Equal Opportunity Program in the Army*. This regulation affirmed that the EO program was a single, integrated program that concerned all members of the Army. Commanders at all levels were responsible for the development and implementation of an EO program for their organization. The major commands (MACOMs) specified minimum unit EO training requirements for subordinate organizations consistent with command needs and local conditions. It was left to individual commanders to determine the content and development of local programs. In 1988, the Army incorporated AR 600-21 into AR 600-20, *Army Command Policy*, sending an even stronger signal that EO was a command program.

## ***Policy on Sexual Harassment***

Department of Defense and Army policies have prohibited sexual harassment of military and civilian personnel since 1981. Since then, numerous policy memoranda by the Secretary of Defense, the Secretary of the Army, and the Army Chief of Staff have

emphasized that sexual harassment will not be tolerated and that successful mission accomplishment can only be achieved in an environment of mutual respect, dignity, and fair treatment. In 1984, the Army added to AR 600-21 a paragraph defining sexual harassment. Since the first policy definition of sexual harassment in 1981, the Army has revised and updated the definition several times.

When Army-wide training on sexual harassment was mandated in 1982, the U.S. Army Training and Doctrine Command (TRADOC) developed standardized training plans for use in all service schools and ROTC courses. In 1986, Headquarters, Department of the Army (HQDA) mandated an intensification of unit EO and prevention of sexual harassment (POSH) training in response to survey and anecdotal evidence that female soldiers were not receiving proper treatment.

## EQUAL OPPORTUNITY (EO) POLICY

In Executive Order 9981 of 1948, President Harry S. Truman declared it “to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.” Department of Defense Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, provides current policy guidance on military equal opportunity. Its directives include the following:

- 2. Promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability. Unlawful discrimination against persons or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned.*
- 3. Use the command to promote, support, and enforce the MEO program. The chain of command is the primary and preferred channel for identifying and correcting discriminatory practices. This includes the processing and resolving of complaints of unlawful discrimination and sexual harassment, and for ensuring that human relations and EO matters are taken seriously and acted upon as necessary. The chain of command is responsible for creating and maintaining a MEO environment that incorporates the policies set out in this Directive.*
- 6. Provide for an environment that is free from unlawful discrimination and sexual harassment.*<sup>4</sup>

The Army established its EO program in 1964 to ensure equal opportunity and just treatment of soldiers and their families on and off post. Chapter 6 of AR 600-20, *Army Command Policy*, establishes the current Army EO program and states that the program “formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment of all soldiers based solely on merit, fitness, and capability, which support readiness.”<sup>5</sup>

Army Regulation 600-20 is explicit in affixing responsibility for EO to the chain of command.

*The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate. This responsibility entails, but is not limited to, promoting positive programs that*

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<sup>4</sup> Dep’t of Defense, Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, para. D (August 18, 1995).

<sup>5</sup> Dep’t of Army, Regulation 600-20, Army Command Policy, para. 6-1 (March 30, 1988) (IO4, September 17, 1993).



*enhance unit cohesion, esprit, and morale; communicating matters with EO significance to unit personnel and higher headquarters; correcting discriminatory practices by conducting rapid, objective, and impartial inquiries to resolve complaints of discrimination; encouraging the surfacing of problems and preventing reprisal for those who complain; and taking appropriate action against those who violate Army policy.*<sup>6</sup>

Chapter 6 also establishes EO hotlines at all installations, prescribes EO policies, defines sexual harassment, lists the staffing requirements and duties of equal opportunity advisors (EOAs), explains the complaint process, addresses mandatory unit training requirements, and outlines the parameters for professional military education course training support packages.

The Army last updated Chapter 6 of AR 600-20 in September 1993, with Interim Change 4. Change 4 expired in September 1995. The proponent, ODCSPER, has continued the regulation until the new AR 600-20 is published.<sup>7</sup> The current regulation does not incorporate the 1995 DoD definition of sexual harassment, as required by DoD Directive 1350.2.

Under the provisions of AR 600-20, commanders must review their affirmative action plan at least annually. Guidance to the field in this area also is outdated in that the Department of the Army Affirmative Action Plan, found in Department of the Army Pamphlet (DA Pam) 600-26, was last published in May 1990.

### ***EOA/EOR Duties and Responsibilities***

In accordance with Chapter 6 of AR 600-20, military personnel with EO as their primary duty are assigned to assist commanders at installations, organizations, and agencies that are brigade-level or equivalent and higher commands. The Commanding General, U.S. Total Army Personnel Command (PERSCOM), is charged to select officers and NCOs for training and duty as EOAs. Most officers assigned to EO positions are graduates of the two-week Equal Opportunity Program Manager course taught by DEOMI. Noncommissioned officers assigned to EOA positions must be graduates of the 16-week DEOMI resident course.

Equal opportunity representatives (EORs) assist commanders at battalion-level and below in carrying out the EO program within their units. Unlike EOAs, EORs do not attend the 16-week DEOMI program of instruction and are not utilized in special duty assignments. Equal opportunity representative duties are a part-time, secondary responsibility.

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<sup>6</sup> Dep't of Army, Reg. 600-20, Army Command Policy, para. 6-5 (March 30, 1988) (IO4, September 17, 1993).

<sup>7</sup> ODCSPER is currently revising and updating AR 600-20 pending the recommendations from this Panel's report.

## ***Complaint System***

In 1993, the Army restructured the complaint system described in AR 600-20 in response to a reported lack of confidence in the old system. Although the primary and preferred channel for identifying and correcting discriminatory practices is the chain of command, the new system gives a soldier a number of alternate channels for filing complaints if the complainant feels uncomfortable in filing a complaint with the chain of command, or if the complaint is against a member of the chain of command. Other channels available to soldiers include the EOA, inspector general, chaplain, provost marshal/criminal investigation command, medical agencies, staff judge advocate, and housing referral office. Ultimately, the chain of command is responsible for ensuring that human relations issues are taken seriously and acted upon as necessary.

## ***Command Authorities***

Commanders have the authority under current law, rule, and regulation to deal with cases of unlawful discrimination or sexual harassment. Army Regulation 600-20, paragraph 4-4, "Soldier Conduct," provides that "[e]nsuring the proper conduct of soldiers is a function of command. Commanders rely upon all leaders in the Army . . . to . . . [t]ake action against military personnel in any case where the soldier's conduct violates good order and discipline." Although Chapter 6 of AR 600-20 is not punitive, the commander's inherent authority to impose administrative sanctions and the nonjudicial punishment and punitive articles of the Uniform Code of Military Justice (UCMJ) provide commanders with sufficient authority to enforce Army policy in matters of discrimination and harassment.

Commanders have the full range of administrative actions available to them to deal with violators of Army policy on equal opportunity, including sexual harassment. A commander can initiate administrative action against a soldier who committed an offense, as a single action or in conjunction with action under the UCMJ. Administrative action is meant to be corrective and rehabilitative. These actions range from counseling to involuntary separation.

When administrative measures are inadequate due to the nature of the offense or the record of the soldier, nonjudicial punishment and trial by court-martial are available for use by a commander depending on the severity of the offense. Nonjudicial punishment is authorized by Article 15 of the UCMJ. Its purpose, according to the Manual for Courts-Martial is to provide "commanders with an essential and prompt means of maintaining good order and discipline and also promotes positive behavior changes in servicemembers without the stigma of a court-martial conviction."<sup>8</sup>

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<sup>8</sup> Manual for Courts-Martial, United States, pt. V, para. 1c (1995).

If a commander decides, after investigation, that an offense is too serious for nonjudicial punishment, then the commander may seek to have charges referred for trial by court-martial. A commander may also forward charges for disposition by a superior commander. Figures 4-7 and 6-1, DA Pam 350-20, *Unit Equal Opportunity Training Guide*, list sexual harassment behaviors and equal opportunity violations subject to UCMJ actions.

### **DoD Sexual Harassment Definition**

Department of Defense Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, August 1995, requires that the military services adopt the following definition of sexual harassment:

*[1] A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

*a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or*

*b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or*

*c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.*

*This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on or off duty, 24 hours a day.) [2] Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. [3] Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.<sup>9</sup>*

This definition of sexual harassment consists of three parts. The first part, indicated by [1] above, is similar to that used for civilian employee cases under Title VII of the Civil Rights Act of 1964, as amended, and as defined by the Equal Employment Opportunity Commission (EEOC).<sup>10</sup> A case law commentary by DoD follows part [1]. The second and third parts, indicated by [2] and [3] above, are agency policies on sexual harassment that DoD has added to the traditional Title VII definition.

<sup>9</sup> Dep't of Defense, Directive 1350.2, *supra* note 4, Definitions para. 15.

<sup>10</sup> The EEOC definition of sexual harassment is at 29 Code of Federal Regulations (CFR) § 1604.11.

There are two categories of sexual harassment addressed in the first part of the definition. These categories are *quid pro quo* and hostile environment. *Quid pro quo* literally means “this for that,” and encompasses those behaviors defined in paragraphs a and b of the definition. A hostile environment occurs when soldiers or civilians are subjected to unwanted behavior of a sexual nature that causes unreasonable interference with work performance or creates an intimidating, hostile, or offensive environment, i.e., paragraph c of the definition. This type of behavior may include verbal behavior, such as deliberate or repeated comments of a sexual nature, and/or nonverbal behavior, such as leering, ogling, display of pinup calendars, or inappropriate touching.

A hostile environment is measured by its impact upon those affected, not by the intent of those exhibiting the behaviors. Impact, not intent, is the key. Whether an environment is hostile or abusive can be determined only by looking at all the circumstances. One must consider whether a reasonable person would find the environment hostile or abusive as well as the victim’s subjective perception that the environment is abusive.

Gender, or sex, discrimination is defined as discrimination based solely on an individual being male or female. Discrimination based on one’s sex is often linked to a set of assumptions based on sex role stereotypes concerning the abilities, competence, status, and roles of the particular group, resulting in a disparate treatment of or impact on that group.

Some conduct based on sex role stereotypes falls into a gray area. Although it may not particularly create a hostile environment or set up a *quid pro quo* situation, the conduct is offensive and intimidating for the recipient. The conduct might be based on everyday misunderstandings in communication or customary, taken-for-granted remarks and actions that may or may not be classified as discriminatory or harassing.

### ***Fraternization***

Sexual harassment is sometimes confused with fraternization. Fraternization occurs when an officer or NCO engages in a relationship with a subordinate that (1) causes actual or perceived partiality, preferential treatment, or unfairness; (2) undermines authority, morale, or discipline; or (3) involves an abuse of rank, position, or authority for personal gain. The Army policy on fraternization is in AR 600-20, chapter 4, and DA Pam 600-35, *Relationships Between Soldiers of Different Ranks*, which define and distinguish proper and improper relationships between soldiers of different ranks. Fraternization focuses on the senior-subordinate relationship, and does not necessarily depend upon a male-female or sexual relationship.

Commissioned officers, warrant officers, and NCOs may be criminally punished under Article 134, UCMJ, for fraternizing with subordinates on terms of military

equality.<sup>11</sup> The gist of this offense is a violation of the custom of the service. The Manual for Courts-Martial explains that not all contact or association between officers and enlisted persons is a criminal offense; it depends on the surrounding circumstances. “The acts and circumstances must be such as to lead a reasonable person experienced in the problems of military leadership to conclude that the good order and discipline of the armed forces has been prejudiced by their tendency to compromise the respect of enlisted persons for the professionalism, integrity, and obligations of an officer.”<sup>12</sup> Regulations, directives, and orders may also govern conduct between officer, NCO, and enlisted personnel on both an Army-wide or local basis. Violations of such regulations, directives, or orders may be punished under Article 92, UCMJ.

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<sup>11</sup> Early case law held that the offense of fraternization under the Manual for Courts-Martial did not apply to senior enlisted persons. Recent case law has put NCOS on notice that fraternization with enlisted subordinates may now be charged as a violation of UCMJ, Article 134. See *United States v. Clarke*, 25 M.J. 631 (A.C.M.R. 1987).

<sup>12</sup> Manual for Courts-Martial, United States, pt. IV, para. 83c (1995).

## TRAINING

In the early 1970s, EO training was a mandatory 18-hour standardized program taught annually by DRRI-trained instructors. Today, EO training is required at least twice a year, with commander discretion in determining some of the program content, duration of training, the attendees, and the instructor.

Department of Defense Directive 1350.2 requires that all military personnel, from trainee to general officer, receive training in EO, human relations, and POSH on a recurring basis, and at all levels of professional military education. Training is to include comprehensive material on leadership roles and responsibilities for EO programs, complaints processing, legal implications, reprisal prevention and detection, climate assessment methodologies, and managing civilian equal opportunity (EEO) systems. Army training policy meets the mandatory training requirements of DoD Directive 1350.2.

Chapter 6 of AR 600-20, *Army Command Policy*, mandates the conduct of unit EO training at least twice a year. This guidance differs from AR 350-1, *Army Training*, and 350-41, *Training in Units*, which require commanders to conduct refresher training on EO and POSH, but leave the frequency of training up to the commander. Refresher training is used when periodic or recurring emphasis is required. This type of training depends on the local situation and the commander's assessment of need. Refresher training may be designed to support unit cohesion, discipline, and morale, the lack of which can adversely affect the command climate and unit readiness, and, therefore, mission accomplishment.

Training materials, such as DA Pam 350-20, *Unit Equal Opportunity Training Guide*, and Training Circular (TC) 26-6, *Commander's Equal Opportunity Handbook*, provide the commander with a limited array of off-the-shelf training programs. Unfortunately, some commanders with whom the Panel spoke were unaware of the existence of such training aids.

The extent and quality of human relations training that officer candidates receive varies greatly depending upon their source of commission. The United States Military Academy employs a comprehensive program entitled *Bedrock II: Consideration of Others*. This program provides 58 hours of human relations training over a cadet's four-year term, of which 25 hours deal with EO and gender issues. The Military District of Washington has adopted USMA's program for its Army installations. Reserve Officers' Training Corps human relations training is not standardized. The U.S. Army Cadet Command has directed local ROTC commanders to evaluate and devise their own programs based upon training needs. Soldiers at the Officer Candidate School (OCS) receive a two-hour block of instruction in the area of human relations.

The Army is providing relatively little emphasis on human relations training in its service schools. For example, the Command and General Staff College teaches only

3.2 hours of EO out of 1,616 contact hours, and only 20 minutes of POSH. The Sergeants Major Academy currently has 4.7 of EO training, of which 30 minutes are devoted to POSH. The Army War College has no POSH training, but will add a block of instruction for academic year 1997-98. The following tables show the current enlisted and officer training hours for EO and POSH.<sup>13</sup>

**Table 1--EO and POSH Training in Enlisted Service Schools**

Training Course	Total Hours of Training	Equal Opportunity Course Hours	Prevention of Sexual Harassment Course Hours
Basic Combat Training	320 hours	3.2 hours	40 minutes
Primary Leadership Development Course	160-179 hours	4.7 hours	15 minutes
Basic NCO Course	208-279 hours	5.1 hours	35 minutes
Advanced NCO Course	200-744 hours	6.0 hours	25 minutes
Drill Sergeant Course	344 hours	3.0 hours	50 minutes
First Sergeant Course	200 hours	4.9 hours	50 minutes
Sergeant Major Course	1536 hours	4.7 hours	30 minutes
Command Sergeant Major Course	40 hours	1.5 hours	20 minutes

**Table 2--EO and POSH Training in Officer Service Schools**

Training Course	Total Hours of Training	Equal Opportunity Course Hours	Prevention of Sexual Harassment Course Hours
Officer Basic Course	400-892 hours	5.2 hours	25 minutes
Officer Advanced Course	200-800 hours	6.3 hours	25 minutes
Warrant Officer Candidate Course	240 hours	5.2 hours	25 minutes
Warrant Officer Advanced Course	240-560 hours	6.3 hours	30 minutes
Pre-Command Course	40-80 hours	1.5 hours	20 minutes
Command and General Staff College	1616 hours	3.2 hours	20 minutes

Within the last two years, TRADOC has developed a common core concept that has reduced the number of training support packages (TSPs) required for EO and POSH from fifteen to four and standardized training on these subjects at the following levels: basic leader level (platoon leaders and squad leaders) through the senior leader level (sergeants major, warrant officers, and majors). Upon implementation of these TSPs, all soldiers from accession through separation will receive discussion-based, non-repetitive, progressive, and sequential training. The EO TSPs for initial entry training (IET) and drill sergeant school are not included as part of the common core, but are separate training requirements. Updated TSPs are being implemented in IET and drill sergeant school training.

As stated earlier, EOAs attend the 16-week DEOMI program of instruction. Equal opportunity representative training is a command/installation responsibility.

<sup>13</sup> The figures used in these tables were current at the time of the Panel review. The Army is in the process of revising the period of time devoted to human relations training.

There is no uniform training of EORs. Commands and installations have developed their own training materials. DEOMI-trained EOAs train EORs with a local 80-hour course, but the course is often erratic: training aids are limited and some EOAs do not have all the necessary skills to conduct the training adequately. The EO proponent for the development of TSPs for Army schools is the Adjutant General's School, U.S. Army Soldier Support Institute. In order to better support commanders, the Adjutant General's School is developing a program of instruction (POI) for EOR training. Implementation of the POI is scheduled for October 1998.

## **SURVEY OF LEADERSHIP IN ARMY DOCUMENTS**

*The leaders we develop must be competent in and dedicated to the profession of arms and experts in the art of war; they must be committed to upholding the dignity and respect of all soldiers, civilians and subordinates; they must be dedicated to the nation; they must demonstrate physical and moral courage; and they must be forthright and candid in all their dealings.<sup>14</sup>*

The Senior Review Panel reviewed AR 600-100, *Army Leadership*; DA Pam 350-58, *Leader Development for America's Army, The Enduring Legacy*; DA Pam 600-50, White Paper, *Leadership "Makes the Difference"*; DA Pam 600-80, *Executive Leadership*; FM 100-1, *The Army*; FM 22-100, *Military Leadership*; FM 22-102, *Soldier Team Development*; and the three volumes of TC 22-9, *Leader Development Program, Military Professionalism*. Throughout Army leadership doctrine, mission accomplishment and unit readiness are tied to Army values and the need to treat soldiers with dignity and respect. What follows is a précis of these regulations.

*Integrity. This is the thread woven through the fabric of the professional Army ethic. Integrity means honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior.*

*All leaders are responsible for: (1) Accomplishing the unit's mission. (2) Ensuring subordinates welfare to include physical, moral, personal, and professional well-being. . . . (4) Setting and exemplifying the highest professional and ethical standards. . . . (13) Treating subordinates with dignity, respect, fairness and consistency.*

*Senior level leaders promote Army values by establishing and maintaining the command climate of their organizations through sound, ethical organizational policies and practices. . . . Senior leaders must consider individual perceptions and their effects in establishing and maintaining a healthy command climate.*

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<sup>14</sup> Dep't of Army, Pamphlet 600-32, *Leader Development for the Total Army, The Enduring Legacy*, p. 7 (May 1991).



*Leaders at the direct level affect values and behavior by establishing day-to-day procedures, practices and working norms, by their personal example, and by building discipline, cohesion, motivation, consistency and fair play. . . . The values leaders personally practice have a major impact in determining unit and organizational value systems.*

AR 600-100, *Army Leadership*, pp. 1-2 (September 1993)

*Behavior refers to actions or reactions to specific situations based on attitude, beliefs, and values. Unlike attitudes, behavior is easily measured and influenced through positive and negative reinforcement.*

DA Pam 350-58, *Leader Development for America's Army, The Enduring Legacy*, p. 3 (October 1994)

*Caring means much more than a cursory interest in others. It means sincere involvement in helping to find solutions to problems and improving welfare. Caring means setting examples of moral and professional excellence in order to inspire the subordinates to new heights. It means talking with and listening to subordinates, not simply talking at them; doing something about hardships or problems, not paying lip service to them; teaching individuals by counseling, not by abusing them. Caring means fostering a command climate where people are challenged, where they feel their contributions make a difference, and where they feel good about themselves and the Army they serve. Caring and leading go together. You can't have one without the other!*

DA Pam 600-50, *White Paper, Leadership "Makes the Difference,"* p. 8 (April 1985)

*The young people who join the Army and each of the other Services come with their own hopes and expectations. The commitment of a human resources program is to these young people, but it is also to their parents, families, and communities. These young people are the nation's most valuable resource for the future. Their service may span a single enlistment or an entire career. If, during that time, they learn fairness and justice, if their experience has led to growth in skills and maturity--then the Army will have fulfilled a most important obligation to society. This is a contribution to nation-building in the truest sense, and is fundamental to defending the Constitution--not by arms alone. . . . Society's view of whether or not the obligation is fulfilled will be determined, in large part, by the perceptions of "reality" at the operating level, as seen by serving sons and daughters.*

DA Pam 600-80, *Executive Leadership*, pp. 43-44 (June 1987)

*As a leader, you are responsible for understanding and directly transmitting the Army's values to your soldiers. . . . Since the Army's purpose is to protect the nation and its values, the Army's ethic must be*

*consistent with national will and values. . . . Beliefs are assumptions or convictions you hold as true about some thing, concept, or person. . . . Values are attitudes about the worth or importance of people, concepts, or things. . . . Norms are the rules or laws normally based on agreed-upon beliefs and values that members of a group follow to live in harmony.*

FM 22-100, *Military Leadership*, pp. 22-24 (July 1990)

*A mature soldier develops physically, socially, emotionally, and spiritually. Physical fitness and development provide the stamina necessary for sustained action and intense stress. Social maturity provides the willingness to work with others in cohesive teams. Emotional maturity gives stability to deal with the stress of combat. Spiritual maturity gives the soldier hope and purpose to face the dangers and uncertainty of combat.*

*Research has shown that during IET values that enhance teamwork become more important while values that reflect individual accomplishment become less important. IET begins to instill team values, and the process continues as the soldier moves from unit to unit.*

*Teaching such values is not an attempt to drastically change the soldier. . . . If soldiers are going to become productive team members, they must begin to share the values that enhance team performance.*

*These values will become the standards of the unit. Standards are those principles or rules by which behaviors and tasks are measured as successfully accomplished. . . . Soldiers will measure other soldiers by it. It gradually becomes a criterion for acceptance into the team. . . . When members of a squad, section, or platoon share these values and adhere to the standards that flow from them, they are a more cohesive team.*

FM 22-102, *Soldier Team Development*, pp. 3, 18-19 (March 1987)

*The Army ethos, the guiding beliefs, standards and ideals that characterize and motivate the Army, is succinctly described in one word--**DUTY**. **Duty** is behavior required by moral obligation, demanded by custom, or enjoined by feelings of rightness. . . . It requires the impartial administration of standards without regard to friendship, personality, rank, or other bias. . . . Compassion is basic respect for the dignity of each individual; treating all with dignity and respect. It is the personification of the "Golden Rule," treat others as you want them to treat you.*

FM 100-1, *The Army*, pp. 5-9 (June 1994)

*American soldiers come from a wide range of cultural backgrounds. Upon entering the military service, they are called upon to adapt their individual values to those of the military profession.*

FM 100-1, *The Army*, p. 10 (June 1994)

1. *Compliance with a specific value occurs when a soldier behaves in a particular manner based solely on anticipated reward or punishment. Compliance requires the actual or imminent presence of the leader. The statement, "I don't cheat because I may get caught," is an example of compliance.* 2. *Identification with a value set occurs when a soldier acts in accordance with the value set of the group in order to become a full member of the group rather than to avoid punishment. The statement, "I will not cheat on the rifle range because 1st Platoon does not cheat on the rifle range and I am a member of 1st Platoon," reflects a group value a soldier adheres to in order to be an accepted member.* 3. *Internalization occurs when a soldier adopts the group's value set as his own. The soldier believes in the values and acts accordingly in any circumstance. The soldier's behavior persists regardless of the situation. "I don't cheat because it is wrong to cheat," is an example of internalization.*

STP 21-II-MQS, *Military Qualification Standards II, Manual of Common Tasks for Lieutenants and Captains*, Leadership S1-9001.10-0002 Explain the Professional Army Ethic (January 1991)

*Army leaders must not only be technically and tactically competent, they must commit themselves to the highest standards of ethical conduct. They must understand the values of the professional soldier and model them in their daily lives. Only in this way will they earn the trust, confidence, and respect of their subordinates and fellow soldiers.*

TC 22-9-1, -2, -3, *Leader Development Program for Military Professionalism*, p. iii (May 1986)

*Every organization, no matter whether a squad, platoon, or company, has only a finite amount of energy to expend to accomplish its mission. That energy can be wasted or enhanced. In a unit with a positive healthy climate, that energy is, or can be, more than the sum total of the energy of its members. . . . But the energy of an organization can be wasted as well. If you are forced to expend energy looking over your shoulder, preparing to cover yourself for some inspection, building a wall of numbers and statistics to look good, you will have little energy left to teach your soldiers, be innovative, or accomplish your mission.*

TC 22-9-2, *Leader Development Program for Military Professionalism (Company/Battery Instruction)*, pp. 60-61 (May 1986)

*Many of our ethical conflicts in peacetime occur because we have some members of the profession who forget that the real test occurs on the battlefield. Everything we do must be geared to preparing for combat. And that includes our ethics. . . . Our values of fairness and of concern for the individual are supported by our national values, but they also contribute to unit loyalty and cohesiveness. Military values originate and command our adherence primarily because they are useful. They create*

*standards of behavior that members of a professional Army need if we are to fight and win the next war. And that is the only reason we are here.*

TC 22-9-3, *Leader Development Program for Military Professionalism (Battalion Instruction)*, p. 10 (May 1986)

## DATA COLLECTION AND REPORTING

The Senior Review Panel reviewed Department of Justice and DoD requirements for data collection and reporting of discrimination and sex crimes. Also analyzed were Army reporting requirements as contained in AR 190-40, *Serious Incident Report*; AR 190-45, *Law Enforcement Reporting*; AR 195-2, *Criminal Investigation Activities*; AR 380-13, *Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations*; and Chapter 6 of AR 600-20, *Army Command Policy*.

On October 15, 1996, DoD published DoD Directive 7730.47, *Defense Incident-Based Reporting System (DIBRS)*. The Defense Incident-Based Reporting System is a data collection system and repository meant to be responsive to a series of statutory reporting requirements and to anticipated congressional and DoD information needs. It will meet data requirements for the Uniformed Crime Reporting Act of 1988 and the Brady Handgun Violence Protection Act of 1994 and permits DoD to monitor and measure compliance with the Victims Rights and Restitution Act of 1990.

The Uniformed Crime Reporting Act of 1988 established the National Incident-Based Reporting System (NIBRS), the national counterpart of DIBRS. The National Incident-Based Reporting System collects and annually reports statistics on crime in the United States. The Department of Defense must report incidents in accordance with the Department of Justice, Federal Bureau of Investigation, Uniform Crime Reporting Handbook. According to a recent DoD point paper, "only ten states and no federal agencies are fully compliant with the provisions of NIBRS."<sup>15</sup>

Department of Defense 7730.47-M, *Manual for the Defense Incident-Based Reporting System*, requires the submission of specified data elements. Reportable incidents include (1) those reportable under the Uniform Crime Reporting Handbook; (2) criminal incidents not reportable under this handbook, but punishable under the UCMJ, which include such high-interest incidents as sexual harassment, sexual assault, rape, and fraternization; (3) civilian criminal incidents committed by military personnel on active duty resulting in a felony conviction; and (4) other reportable incidents, such as sudden infant death syndrome and suicide. The Department of Defense and the military services are currently working on implementing DIBRS. There is some concern that, in its present form, DIBRS is an unnecessary and offensive invasion of privacy. "When finished, DIBRS will provide a standard data system that tracks criminal incidents from initial allegation to final disposition through the law enforcement, criminal investigation, command action, judicial and corrections phases."<sup>16</sup>

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<sup>15</sup> Point Paper by Mike Pearce, OUSD(PI), undated, subject: Defense Incident-Based Reporting System (DIBRS).

<sup>16</sup> Ibid.

Army Regulation 190-40 mandates submission of a Serious Incident Report (SIR) to HQDA for selected serious incidents or criminal offenses. The SIR contains a data entry for racially or ethnically motivated criminal acts. Field experience, however, finds that racial or ethnic motivation is not always immediately discernible. Often, such determinations are made later in the investigation, after the SIR has been submitted. There is no requirement for a subsequent “add-on” report once this determination has been made. Although no data entry currently exists for crimes resulting from religious intolerance or sexual orientation, a forthcoming revision to AR 190-40 will encompass all forms of significant hate and bias crimes.

Under the provisions of AR 600-20, paragraph 6-15, the Office of the Deputy Chief of Staff for Personnel, HQDA, collects, records, and maintains racial, ethnic group, and gender data and statistics needed to support the Army EO program, to include affirmative action plan (AAP) reporting requirements. Heads of DA staff elements, MACOMs, separate agencies, and other activities and units required to publish AAPs are authorized to collect, record, and maintain data and statistics. Statistical data is maintained for the various AAP subject areas using racial, ethnic, and gender designations.

Major commands and the designated heads of Army staff agencies, directorates, and field operating agencies submit an annual narrative and statistical report on equal opportunity progress to HQDA. The report includes (1) progress made in achieving established EO goals; (2) unit EO complaints by type (race, national origin, religion, gender, and sexual harassment) with race and ethnic group, gender, and method of resolution marked for each type on DA Form 7280-R, *Unit EO Complaint Report*, and (3) the number of subordinate units by echelon and the number of unit climate assessments conducted.

Department of Army Pamphlet 600-26, *Department of the Army Affirmative Action Plan*, has various reporting requirements to HQDA for annual narrative and statistical reports on affirmative action progress.

## CLIMATE ASSESSMENTS

Climate assessments are a key mechanism for commanders to anticipate and prevent problems. Climate assessments are designed to be used by commanders and other leaders to identify issues that might not otherwise come to their attention. The current array of climate assessment tools available to commanders do not adequately meet their needs.

Department of Defense Directive 1350.2, August 1995, directs that the Services “[r]equire commanders to assess their organization EO climate, preferably as part of their assumption of command, and schedule follow-up assessments periodically during their command tenure.”<sup>17</sup> The current version of AR 600-20 (Interim Change 4) recommends that commanders conduct a unit climate assessment within 90 days of assuming command and then annually thereafter. While this guidance is not in compliance with the DoD Directive, the draft revision to AR 600-20 remedies this shortfall by requiring commanders to conduct a unit climate assessment within 90 days of assuming command and annually thereafter.

Training Circular 26-6, *Commander's Equal Opportunity Handbook*, uses language similar to that contained in AR 600-20. It, too, must be revised to be in compliance with DoD Directive 1350.2 and to be consistent with the draft revision to AR 600-20. Department of the Army Pamphlet 350-20, *Unit Equal Opportunity Training Guide*, references AR 600-20, but notes “commanders must conduct a climate assessment and unit training needs assessment NLT [not later than] 60 days after assuming command.”<sup>18</sup> Department of the Army Pamphlet 350-20, thus, differs from both the current and the draft revision to AR 600-20.

Assessments of unit climate can and should be based on several methods. Methods described in TC 26-6 include surveys, interviews, sensing sessions, observations, and reviews of records and reports. While most assessment methods require no particular tools, the survey method requires careful development of an appropriate instrument. Although a number of survey instruments have been developed for the Army or DoD over the years, most climate assessment survey instruments are dated and do not include questions about sexual harassment.

The Military Equal Opportunity Climate Survey (MEOCS) is the most common assessment survey instrument currently in use across the Army. Commanders who request this survey must send the completed survey forms to DEOMI for analysis and a report. The Defense Equal Opportunity Management Institute has indicated that, because of insufficient funding, it will be unable to meet the demand for analysis of MEOCS, once the AR 600-20 provisions requiring all commanders to conduct an

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<sup>17</sup> Dep't of Defense, Directive 1350.2, *supra* note 4, para. F.2.b.

<sup>18</sup> Dep't of Army, Pamphlet 350-20, *Unit Equal Opportunity Training Guide*, lesson plan 10 (August 30, 1993).

annual climate assessment are put into effect--assuming MEOCS is the assessment tool commanders employ.

DA Pam 600-69, *Unit Climate Profile Commander's Handbook*, also contains a climate assessment survey instrument available to commanders. It does not include questions on sexual harassment or hostile environment and barely touches the issue of gender discrimination. It does include three questions asking if the officers, NCOs, or immediate leaders in the unit treat soldiers fairly without regard to race, ethnic background, or sex. The assessment does not allow for certain demographic information of the respondent, such as race, gender, and rank.

The current Army-wide survey of command climate, the biannual Sample Survey of Military Personnel (SSMP), includes items on sexual harassment on a recurring basis. This survey is targeted at the whole Army with the exception of soldiers in training, in transit, in the hospital, or attending school, and does not provide an assessment specifically geared to one commander.

The Human Resources Directorate, ODCSPER has developed a short command climate survey instrument. This instrument is only now being fielded and feedback is limited. Another comprehensive human relations climate assessment survey instrument is being developed under the direction of the Assistant Secretary of the Army (Manpower & Reserve Affairs).



## ACCESSIONS

The Army regulations governing enlisted and officer accessions include AR 145-1, *Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training*; AR 351-5, *United States Army Officer Candidate School*; and AR 601-210, *Regular Army and Army Reserve Enlistment Program*. Personnel enter the Army by enlisting or by obtaining a commission as an officer. The sources of officer commissioning include USMA, ROTC, OCS, and direct appointments (e.g., as with some physicians, nurses, lawyers).

The accessions process utilizes local police and national security checks for information on prior offenses that might indicate an applicant's unsuitability for military service. During the applicant interview, the recruiter questions the applicant on any records of arrest, charges, juvenile court adjudications, traffic violations, probation periods, dismissed or pending charges or convictions, including those ordered expunged or sealed. A police records check is only initiated if the applicant states that he or she has a prior record or if the recruiter has reason to believe that the applicant is concealing information. Although a police records check may be warranted, law enforcement authorities within the jurisdiction queried may refuse to provide any information contained in sealed juvenile records. If a written refusal is received or if the information requested is subject to charges or a fee, the police records check is not required. A police records check is performed on all officer accessions subject to the same limitations regarding sealed records, written refusals, and fee demands. Army Regulation 601-270, *Military Entrance Processing Stations (MEPS)*, requires that a preenlistment interview be conducted prior to the oath of enlistment to obtain any additional information that may have a bearing on the applicant's qualification for military service.

In 1996, USMA instituted a requirement for a local police records check on all academy applicants. If an arrest and/or conviction is cited by the local law enforcement agency queried, a judge advocate review is required before the candidate is rejected. In addition to the police records check, a prospective candidate must complete a personal data record that includes the question, "Have you ever been arrested for any offense?" The normal admissions process also includes letters of recommendation that are reviewed for negative comments concerning sexual harassment, discrimination, or acts in violation of USMA's *Consideration of Others* program. Any adverse information is verified to determine whether the event represents an isolated incident.<sup>19</sup>

The commissioning process for officers includes the requirement for a national security clearance. Prior to appointment, all applicants (USMA, ROTC, OCS, and direct appointments) must possess a secret security clearance based on a favorable National Agency Check. Any applicant, whether officer or enlisted, may be rejected

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<sup>19</sup> Conversation with Colonel Michael L. Jones, Director of Admissions, Office of Admissions, U.S. Military Academy, May 22, 1997.

based on the provisions of AR 40-501, *Standards of Medical Fitness*. Doctors may medically reject applicants for personality or behavior disorders, as evidenced by frequent encounters with law enforcement agencies, antisocial attitudes, or behavior that would prevent the individual from adapting to military service.

## **REVIEW OF THE PRACTICES OF OTHER ORGANIZATIONS REGARDING EQUAL OPPORTUNITY AND THE PREVENTION OF SEXUAL HARASSMENT**

In addition to reviewing Army policies and procedures regarding EO and POSH, the Panel examined the practices of other organizations, both public and private sector. The following practices were common among organizations that have distinguished themselves as leaders in the human resource arena and in the prevention and elimination of sexual harassment:

- ◆ Diversity is linked to strategic vision.
- ◆ Management is responsible for and held accountable for setting a positive climate.
- ◆ Human resource programs have top level support.
- ◆ Systems and procedures support diversity.
- ◆ Recruitment, promotion, and development trends are continually monitored.
- ◆ Awareness education is an organizational priority.
- ◆ Rewards are based on results.
- ◆ Benefits are enhanced to recognize diverse needs.
- ◆ A multi-pronged approach is utilized regarding the advancement of women and minorities.



## ANNEX F

### EVENTS CONNECTED WITH EQUAL OPPORTUNITY IN THE ARMY SINCE 1947

Oct 47	The <b>President's Committee on Civil Rights</b> condemned racial injustice in the United States in its report, <b>To Secure These Rights</b> . The biracial group called for a positive program to eliminate segregation from American life.
Jun 48	The <b>Women's Armed Services Integration Act of 1948</b> established the Women's Army Corps in the Regular Army and authorized the enlistment and appointment of women in the Regular Air Force, Regular Navy and Marine Corps, and in the Reserve components of the Army, Navy, Air Force, and Marine Corps. <sup>1</sup>
Jul 48	In <b>Executive Order 9981</b> , President Truman declared it "to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin." <sup>2</sup>
Jul 50	When the first U.S. ground troops landed in South Korea, only 22,000 women were on active duty--approximately one percent of the total force.
May 51	President Truman issued <b>Executive Order 10240</b> , which authorized the services to terminate the commission, warrant, or enlistment of any woman serving in the Regular Army, Navy, Marine Corps, or Air Force, regardless of rank, grade, or length of service, "(2) whenever it is established . . . that the woman (a) is the parent, by birth or adoption, of a child under such minimum age as the Secretary concerned shall determine, (b) has personal custody of a child under such minimum age, (c) is the step-parent of a child under such minimum age and the child is within the household of the woman for a period of more

<sup>1</sup> Women's Armed Services Integration Act of 1948, ch. 449, Pub. L. 625 (1948).

<sup>2</sup> Exec. Order No. 9981, 13 Fed. Reg. 4313 (1948).

	than thirty days a year, (d) is pregnant, or (e) has, while serving under such commission, warrant, or enlistment, given birth to a living child.” <sup>3</sup>
Oct 51	The <b>Defense Advisory Committee on Women in the Services (DACOWITS)</b> was established by then Secretary of Defense, George C. Marshall, to advise and assist the Secretary of Defense on policies and matters relating to women in the Armed Services. Still in existence today, its members are non-federal government civilian members and serve for three years. <sup>4</sup>
May 54	The Supreme Court, in <b>Brown v. Board of Education</b> , concluded that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." The court held that the segregation of white and black children in state public schools solely on the basis of race denies to black children the equal protection of the laws guaranteed by the Fourteenth Amendment. <sup>5</sup>
Oct 54	The Defense Department announced that there were no longer any all-Negro units.
Dec 55	Montgomery bus boycott began. Local black leaders, led by Martin Luther King, Jr., launched a boycott against the local bus company to petition the city of Montgomery, Alabama, to desegregate its bus system.
Sep 57	Little Rock desegregation crisis. In September, Arkansas Governor Orval Faubus intervened to halt a local plan for the gradual desegregation of Little Rock's Central High School. Faubus mobilized the Arkansas National Guard to block the entry of black students. Later that month, bowing to a federal judge's order, Faubus withdrew the guardsmen. The next day, fearing violence, President Eisenhower federalized the Arkansas National Guard and dispatched paratroopers to Little Rock to ensure the children's safety.
Feb 60	Sit-in, Greensboro, North Carolina. In February 1960, four black students from North Carolina Agricultural and Technical College in Greensboro ordered coffee at a department-store lunch counter. Told that "we do not serve Negroes," the students refused to budge. Thus began the sit-in movement, which quickly spread northward.
Apr 60	<b>Student Nonviolent Coordinating Committee (SNCC)</b> formed. This movement, inspired by the

<sup>3</sup> Exec. Order No. 10240, 16 Fed. Reg. 3689 (1951).

<sup>4</sup> See Dep't of Defense, Directive 5120.14, Defense Advisory Committee on Women in the Services (DACOWITS) (April 3, 1987); Dep't of Defense, Directive 1304.3, Establishment of a Unified Recruiting Program for Women in the Services (October 12, 1951).

<sup>5</sup> Brown v. Board of Education, 347 U.S. 483, 495 (1954).

	Greensboro sit-in, sought to challenge the status quo through nonviolent protest acts.
Jul 62	<p><b>AR 600-20, Army Command Policy and Procedure.</b></p> <p><b>“10. Chain of Command.</b> Every commander has two basic responsibilities in the following priority: accomplishment of his mission, and the care of his personnel and property. . . . A superior in the chain of command holds his subordinate commanders responsible for everything their command does or fails to do. Thus, in relation to his superior, a commander cannot delegate any of his responsibilities.</p> <p><b>34. Relationship of superiors toward subordinates.</b> Second only to the accomplishment of their military mission, leaders are responsible for the welfare of their troops. Commissioned officers, warrant officers, and noncommissioned officers will enhance the will to fight for their country in their subordinates by instilling in them a sense of responsibility as citizens of the United States, a sense of responsibility in conduct and behavior as service members, and a spirit of loyalty to the democratic principles on which the American way of life is based. . . . Commissioned officers, warrant officers, and noncommissioned officers will keep in close touch with personnel within their command, will take an interest in their organization life, will hear their complaints, and will endeavor on all occasions to remove those causes which make for dissatisfaction.”</p>
Jan 63	George Wallace inaugural address as governor of Alabama included "Segregation now. Segregation tomorrow. Segregation forever."
Jun 63	<p>The <b>Gesell Committee</b> (The President's Committee on Equal Opportunity in the Armed Forces) submitted to the President an initial report, <b>Equality of Treatment and Opportunity for Negro Military Personnel Stationed within the United States</b>. Findings included the following:</p> <p>The military had made far-reaching advances toward complete integration. With some variations from service to service, there had been substantial progress toward equality of treatment and opportunity. The progress made was not enough, however.</p> <p>Blacks in the military and their families were daily suffering humiliation and degradation in communities near bases at which they were stationed.</p> <p>No one in the military was charged with responsibility to listen to equal opportunity complaints. There was no satisfactory method for handling complaints.</p> <p>Installation commanders lacked specific directives to guide them in dealing with off-base discrimination and, in fact, did not view this as a military command responsibility.</p>
Jun 63	The <b>U.S. Commission on Civil Rights</b> , in its study entitled <b>Overall Evaluation and Comments on the Department of Defense Study: The Services and Their Relations with the Community</b> , reported that

	off-base discrimination had a detrimental effect on the morale and efficiency of a significant number of military personnel.
Jul 63	<p><b>DoD Directive 5120.36, Equal Opportunity in the Armed Forces.</b></p> <p>“It is the policy of the Department of Defense to conduct all of its activities in a manner which is free from racial discrimination, and which provides equal opportunity for all uniformed members and all civilian employees irrespective of their color.” (para. I.)</p> <p>“The military departments shall . . . issue appropriate instructions, manuals and regulations in connection with the leadership responsibility for equal opportunity, on and off-base, and containing guidance for its discharge.” (para. II.B.1.)</p> <p>“Every military commander has the responsibility to oppose discriminatory practices affecting his men and their dependents and to foster equal opportunity for them, not only in areas under his immediate control, but also in nearby communities where they may live or gather in off-duty hours.” (para. II.C.)</p>
Aug 63	<p>“The largest single protest demonstration in United States history occurred at the Lincoln Memorial in Washington, D.C., where 250,000 blacks and whites gathered to lobby for passage of sweeping civil rights measures by Congress.” Dr. Martin Luther King, Jr., delivered his “I Have a Dream” speech at the Lincoln Memorial.<sup>6</sup></p>
Jul 64	<p>Congress passed the <b>Civil Rights Act of 1964</b>, a sweeping civil rights act, which included provisions prohibiting discrimination in public accommodations and discrimination in employment.</p>
Jul 64	<p><b>AR 600-21, Equal Opportunity and Treatment of Military Personnel.</b></p> <p><b>“3. Policy.</b></p> <p>a. It is the policy of the Army to conduct all of its activities in a manner which is free from racial discrimination, and which provides equal opportunity and treatment of all uniformed members irrespective of their race, color, religion, or national origin.</p> <p>b. All actions taken to implement the above policy will be based on the following fundamental principles:</p> <p>(1) Equal and just treatment of all personnel exerts direct and favorable influence on morale, discipline, and command authority. Since these are key factors contributing to combat efficiency, such treatment is related to the primary mission of command.</p> <p>(2) In opposing discriminatory practices and in providing equal opportunity to Army personnel and their dependents, the unity of purpose and spirit essential to the creation of effective military organizations is more readily developed.</p>

<sup>6</sup> Alton Hornsby, Jr., Milestones in 20th-Century African-American History (Detroit, MI: Visible Ink Press, 1993), p. 73.

	<p>(3) Commanders at all levels being responsible for the well being of their personnel, can best discharge their responsibility by the early detection of, and continuing efforts to remove, those influences which adversely affect their personnel.</p> <p><b>4. Responsibility.</b> Every opportunity will be afforded the local commander to resolve problems peculiar to the local environment. Problems that require assistance at departmental level will be brought to the attention of appropriate authorities without delay.</p> <p><b>10. Racial Incidents.</b> Racial incidents will be reported in accordance with applicable provisions of AR 1-55. Commanders will insure that their higher headquarters are notified concurrently with notification to Headquarters, Department of the Army.</p> <p><b>11. Complaints.</b></p> <p><i>b.</i> Installation commanders should be aware of and maintain such records as are necessary to reflect the number, type, validity, and disposition of racial complaints submitted by military personnel of their commands."</p>
Jul 64	Race riots broke out in the first of the "long hot summers." In Harlem and Rochester, New York, and in several cities in New Jersey, brutal actions by white police officers, including vicious unprovoked beatings in police stations, sparked riots in black neighborhoods.
Sep 64	<p><b>AR 600-22, Processing Requests of Military Personnel For Action by the Attorney General Under the Civil Rights Act of 1964.</b></p> <p><b>"1. Purpose.</b> This regulation is in implementation of DoD Instruction No. 5525.2, dated 24 July 1964, providing command assistance to military personnel requesting action by the Attorney General under Titles II, III, and IV of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241). Its purpose is to promote Department of Defense and Department of the Army policy of fostering equal treatment for military personnel and their dependents by prescribing policies and procedures for the processing of requests for civil rights suits by military personnel electing to utilize command assistance in forwarding such requests to the Attorney General.</p> <p><b>13. Discrimination not covered by Civil Rights Act of 1964.</b> The fact that the Civil Rights Act of 1964 does not provide a judicial remedy in a given case of discrimination affecting military personnel or their dependents does not relieve a commander of the responsibility affirmatively to seek equal treatment and opportunity for his men, and for their dependents, off the installation as well as on."</p>
Feb 65	Malcolm X was assassinated. For many blacks, Malcolm X, the chief spokesperson for the Black



	Muslims, symbolized black frustration with the white establishment. A compelling figure in life, in death he would become a hero to increasing numbers of black nationalists and proponents of Black Power.
May 65	<b>AR 600-21, Equal Opportunity and Treatment of Military Personnel.</b> Superseded AR 600-21, Jul 64.
Oct 65	Change 8 to <b>AR 600-20, Army Command Policy and Procedure</b> , Jul 62. <b>“46.1 Participation in public demonstrations.</b> (Added) Participation in picket lines or any other public demonstrations, including those pertaining to civil rights, may imply Army sanction of the cause for which the demonstration is conducted. Such participation by members of the Army, not sanctioned by competent authority, is prohibited- a. During the hours they are required to be present for duty. b. When they are in uniform. c. When they are on a military reservation. d. When they are in a foreign country. e. When their activities constitute a breach of law and order. f. When violence is reasonably likely to result.”
Jan 67	<b>AR 600-20, Army Command Policy and Procedure.</b> Superseded AR 600-20, Jul 62, including changes.
Jul 67	Race riots erupted in Newark, Detroit, and other cities, making it the worst summer of racial disturbances in American history.
Nov 67	President Lyndon B. Johnson signed <b>Public Law 90-130</b> , an “Act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes.” This new law removed restrictions on women’s promotions (including general/flag grades); equalized retirement rules; and removed the 2-percent ceilings on regular line officer and enlisted strengths. <sup>7</sup>
Mar 68	The <b>Kerner Commission (National Advisory Commission on Civil Disorders)</b> issued its report, warning that the United States was “headed toward two communities, ‘one black, one white, separate and unequal.’” <sup>8</sup>
Apr 68	Dr. Martin Luther King, Jr. was assassinated. Blacks rioted in 168 cities and towns, looting and burning white businesses and properties. Incidents also occurred in Vietnam, such as the burning of a wooden

<sup>7</sup> Act of November 8, 1967, Pub. L. 90-130, 81 Stat. 374 (codified as amended in scattered sections of 10, 32, and 37 U.S.C.).

<sup>8</sup> Hornsby, *supra* note 6, p. 90.

	cross and the flying of a Confederate flag at the base at Camranh Bay.
Aug 68	“More than a hundred black soldiers at Fort Hood, Texas, staged an all-night demonstration to protest being sent to Chicago for possible riot control at the Democratic National Convention. They feared that they might be used to combat Chicago blacks.” <sup>9</sup>
Sep 68	Riot at the Long Binh stockade outside Saigon, an overcrowded stockade where the majority of prisoners were black. One white soldier was killed and several wounded after a black takeover of the stockade.
Jul 69	Violence exploded at Camp Lejuene, North Carolina. One white marine was killed in a fight allegedly begun in an attack by 30 black and Hispanic Marines on 14 white Marines.
Aug 69	In <b>Executive Order 11478</b> , President Nixon declared it to be “the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.” <sup>10</sup>
Aug 69	DoD issued its first <b>Human Goals Charter</b> . The charter is the foundation of DoD EO programs. Since it was first issued, it has been endorsed by each Secretary of Defense
Sep 69	Army Chief of Staff directed that race relations training be incorporated into the Army’s educational system. The U.S. Army Infantry School created a 4-hour block of instruction, "Leadership Aspects of Race Relations," by September 1970.
Jan 70	An Army study of race relations in U.S. Army bases throughout the world reported a widespread increase in racial tensions. It warned that increased racial confrontations could be expected unless immediate action was taken. The Army Chief of Staff, General William C. Westmoreland, commissioned the study in the summer of 1969.
Jul 70	Close to 1000 black soldiers met at the Heidelberg University campus for a day of protest and planning. From this meeting came an announcement of the intention to unite all black soldiers in West Germany to protest discrimination in assignments, promotions, military justice, housing, and recreational facilities.

<sup>9</sup> Jack D. Foner, Blacks and the Military in American History (New York, New York: Praeger Publishers, Inc., 1974), p. 212.

<sup>10</sup> Exec. Order No. 11478, 34 Fed. Reg. 12985 (1969).

Nov 70	The first Army-wide race relations conference, held at Fort Monroe, Virginia, examined the race-related problems facing the Army.
Dec 70	<b>Department of Defense Directive 1100.15, Equal Opportunity Within the Department of Defense.</b>
Dec 70	Change 2 to <b>AR 600-21, Equal Opportunity and Treatment of Military Personnel</b> , May 65. “6. The Department of the Army views off-post discrimination as a serious detriment to morale and, ultimately, to combat efficiency. It is inimical to the welfare of Army personnel. Every commander has the responsibility to oppose discriminatory practices affecting his men and their dependents and to foster equal opportunity for them, not only in areas under his control, but also in nearby communities where they live or gather in off-duty hours.”
Jan 71	In response to requests from black soldiers stationed in Europe, as well as news accounts of increased racial tensions there, the National Association for the Advancement of Colored People (NAACP) sent a team to Germany to evaluate the situation in West Germany. It submitted a report, <b>The Search for Military Justice, Report of an NAACP Inquiry into the Problems of the Negro Serviceman in West Germany</b> , to the Secretary of Defense in April 1971. In its conclusion, the report stated that “an uncomfortable number of the younger Negro servicemen are disenchanting, alienated, and have lost faith in the capacity and the will of the Armed Forces to deal honestly with their problems.”
Mar 71	Army established housing referral offices to address issues of off-post housing discrimination.
Apr 71	<b>AR 600-20, Army Command Policy and Procedure.</b> Superseded AR 600-20, Jan 67, including all changes.
Jun 71	<b>DoD Directive 1322.11, Department of Defense Education in Race Relations for Armed Forces Personnel.</b> Established the policies and designated the organizational elements assigned responsibility for developing an active DoD program of education in race relations and for assuring the attainment of those objectives. Established the Defense Race Relations Institute (DRRI) as a DoD field activity. “The mission of the DRRI will be to conduct training for Armed Forces personnel designated as instructors in race relations, develop doctrine and curricula in education for race relations, conduct research, perform evaluation of program effectiveness, and disseminate educational guidelines and materials for utilization throughout the Armed Forces.” (para IV.B.2.)
Nov 71	Chief of Staff Regulation 15-11 established the Army Race Relations/Equal Opportunity Committee as a continuing committee at Headquarters, Department of the Army (HQDA).
Nov 71	Racial disturbances at Fort McClellan, Alabama, resulted in the arrest of 139 black soldiers. Some

	alleged that the Army was punishing only blacks.
Dec 71	The <b>Office of Equal Opportunity Programs</b> was established as a division of the Office of the Deputy Chief of Staff for Personnel (ODCSPER), HQDA. It developed the policy and guidance for the Army's equal opportunity program, and served as the Army's principal action office in helping to resolve race relations/equal opportunity problems throughout the Army.
Jun 72	<p>The Army "adopted the policy that every unit in the Army would have a race relations training program using the Core Curriculum and other materials developed by the DRRI. This 18-hour program, designed to improve interracial communications, was to be taught by DRRI-trained instructors in prime training time, and all military personnel were required to attend one such session per year. . . .This Core Curriculum was organized around six themes or phases:</p> <ul style="list-style-type: none"> <li>Discussion of DoD and service race relations policies and goals to set the tone and direction of the educational program;</li> <li>Recognition of personal racism, intentional or otherwise, in oneself and others and how ignorance sustained it;</li> <li>Understanding of how institutions founded upon majority values tended to ignore minority values, thus polarizing these two groups;</li> <li>Examination of the misunderstanding generated between minority and majority groups in the service because of poor communication;</li> <li>Understanding that the racial problems in the armed services were an extension of those in the civilian community and require a knowledge of all the cultural elements represented; and</li> <li>Examination of the particular duty station for its peculiar racial problems."<sup>11</sup></li> </ul>
Jul 72	The first Department of the Army Affirmative Action Plan (AAP) was published.
Nov 72	<b>DoD Report of the Task Force on the Administration of Military Justice in the Armed Forces.</b> The Task Force affirmed that vestiges of discrimination remained in the military system. It identified two types of racial discrimination, intentional and systemic. It defined intentional discrimination "as the policy of a military authority or action of an individual or group of individuals which is intended to have a negative effect on minority individuals or groups without having such an effect on others." It defined systemic

<sup>11</sup> United States Army Research Institute for the Behavioral and Social Sciences (ARI), Race Relations Research in the U.S. Army in the 1970s. A Collection of Selected Readings (James A. Thomas, ed., 1988), pp. 36-7.

	discrimination “as neutral practices or policies which disproportionately impact harmfully or negatively on minorities.” <sup>12</sup>
Dec 72	The Secretary of the Army signed an order allowing WACs to command any unit in the Army except those with a combat mission.
Feb 73	The first General Officer Race Relations/Equal Opportunity Orientation and Seminar was conducted at various locations across the Army.
May 73	The Supreme Court held in <b>Fronterio v. Richardson</b> that certain challenged statutes, which required a female member of the uniformed services to prove the dependency of her husband, but did not require the same for male members, violated the Due Process Clause of the Fifth Amendment. <sup>13</sup>
Jun 73	<b>DA Pam 600-16, Improving Race Relations in the Army, Handbook for Leaders.</b>
Jul 73	<p><b>AR 600-21, Race Relations and Equal Opportunity.</b> Superseded AR 600-21, May 65, including all changes.</p> <p>“This regulation establishes the requirement for development of race relations/equal opportunity affirmative actions plans; contains guidance for the use of equal opportunity staff personnel; considers operation of equal opportunity programs as a criterion for evaluating leadership performance of military personnel; . . . and also provides for equal opportunity for military women. Local limited supplementation of this regulation is permitted, but is not required.” (p. i)</p> <p><b>“3. Principles.</b></p> <p>a. The primary goal of all Army race relations and equal opportunity actions is the positive creation of an atmosphere of racial harmony; it is not the simple avoidance of racial disorders.</p> <p>b. Army commanders at all levels are responsible for achievement of race relations and equal opportunity (RR/EO) objectives.</p> <p>c. Army RR/EO activities are based on affirmative actions which go beyond nondiscrimination to planned and positive steps to identify and correct existing discrepancies and inequities as a matter of the highest priority.</p> <p>f. Effective implementation of the Army RR/EO program requires high level policy formulation, decentralized execution, maximum participation by all levels of command, and compliance monitoring</p>

<sup>12</sup> Letter, Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs (Equal Opportunity), Task Force on the Administration of Military Justice in the Armed Forces, Nov. 30, 1972, subject: submission of the Task Force report to the Honorable Melvin R. Laird, Secretary of Defense.

<sup>13</sup> *Frontiero v. Richardson*, 411 U.S. 677 (1973).

	<p>procedures.</p> <p>g. The primary emphasis of Army race relations education and training is the changing of behavior and the creation of an improved appreciation of individuals and members of groups as human beings.</p> <p><b>4. Policy.</b> a. It is the policy of the Army to provide equal opportunity and treatment for uniformed members, irrespective of race, color, religion, national origin, or sex. Accordingly all personnel, male and female, consistent with law and physical capabilities, must be afforded equal opportunity and just treatment.</p> <p>5.d. Equal Opportunity Program. Actions designed to correct structural deficiencies, eliminate personal and institutional discrimination against minorities and assure upward mobility of all qualified personnel.</p> <p>5.e. Race Relations Program. Actions designed to eliminate prejudice and to promote racial harmony and attitudes supportive of Army objectives.</p> <p><b>8. Efficiency report entries.</b> Commissioned and noncommissioned officers at all levels of command and supervision are responsible for implementing and supporting DA policies, practices, and procedures in support of equal and just treatment of military personnel and their dependents, both on and off post. Rating and indorsing officials . . . will consider the quality and effectiveness of . . . support of RR/EO principles and policies.</p> <p><b>9. Race relations/equal opportunity staff personnel.</b> a. Personnel will be assigned primary duty as RR/EO staff personnel by commanders of units, installations, and agencies down to and including brigades and brigade equivalent units.</p> <p>c. Equal opportunity personnel within a single office should represent a racial-ethnic-age-sex mix (when possible) and, to preclude stereotyping, should be of a different racial or ethnic group than their immediate predecessors.</p> <p>d. Command priority, commitment and involvement in equal opportunity matters are directly related to the positioning and use of equal opportunity staff personnel. RR/EO staff offices will remain in the DCSPER/G1/S1/DPCA family and will be positioned no lower than one step below the DCSPER/G1/S1/DPCA. Commanders retain the prerogative of elevating the RR/EO staff office to the personal or principal staff level if desired. In any case, the RR/EO officers will be positioned so as to have access to the commander.”</p>
Dec 73	<p><b>AR 600-42, Race Relations Education for the Army.</b></p> <p>Implemented DoD Directive 1322.11 concerning the establishment of a comprehensive educational program of race relations for all members of the military services and provided guidance for developing race relations training programs and related activities within the Army.</p>

Jun 74	DoD “told the services that policies permitting involuntary separation of women for pregnancy and parenthood were no longer ‘viable’ and that separations would be voluntary. The services objected, but the DOD stuck to its guns and told them to develop joint policies to carry out this concept. The date set for the new rules to take effect was 15 May 1975.” <sup>14</sup>
Jul 74	WAC Career Management Branch was discontinued. All WAC officers were transferred to combat support and combat service support branches of the Army.
Aug 75	The Army revised its Affirmative Action Plan (AAP) to “place responsibility for Affirmative Action in the hands of commanders and their managers in order to infuse affirmative actions into the traditional system of command management.” <sup>15</sup>
Oct 75	Section 803, <b>Department of Defense Appropriation Authorization Act, 1976</b> , required the services to admit women into the three service academies (United States Military Academy, United States Naval Academy, and United States Air Force Academy) beginning in calendar year 1976. <sup>16</sup>
Jan 76	Effective 1 January, single men, single women, and unaccompanied soldiers were to serve the same length overseas tours.
May 76	First women graduated from Army Reserve Officers’ Training Corps (ROTC) programs and were commissioned.
Jun 76	DoD reissued <b>Department of Defense Directive 1100.15</b> to outline the DoD Equal Opportunity Program, expand and update the Civilian Equal Employment Opportunity policies, and assign responsibility for assuring DoD-wide compliance with equal employment opportunity laws and regulations.
Jul 76	Women first entered the United States Military Academy (USMA) (Class of 1980).
Oct 76	After 1 October, female and male officer candidates trained together at the U.S. Army Officer Candidate School.
Dec 76	In January 1976, the DCSPER directed his staff to revalidate the program for the expanded utilization of women in the Army. The study was published in December 1976, and was known as the <b>Women in the Army (WITA) Study</b> .
Dec 76	<b>Uniform Service School Standards for Race Relations/Equal Opportunity Instruction</b> contained guidance and specific content for standardized instructional programs in the Army. “For each course at a

<sup>14</sup> Maj. Gen. Jeanne Holm, USAF(Ret.), *Women in the Military, An Unfinished Revolution* (Novato, CA: Presidio Press, 1982), p. 300.

<sup>15</sup> ARI, *supra* note 11, p. 42.

<sup>16</sup> Department of Defense Appropriation Authorization Act, 1976, Pub. L. No. 94-106, § 803, 89 Stat. 531, 537 (1975).

	given racial awareness training level, the standards provided for specific outcomes and goals that must be reached by the student at the end of training, specific lesson plans that led to the achievement of these goals, objective tests to measure the achievement of the students, and supplementary annexes to be used with the lesson plans.” <sup>17</sup>
Mar 77	<p><b>DA Pam 600-42, Unit Equal Opportunity Discussion Outlines.</b></p> <p><b>“2. Objective.</b> The objective of the Unit Equal Opportunity Discussion Outlines is to help maintain the highest degree of unit readiness. The outlines are designed to expand upon and support the unit training prescribed by AR 600-42.”</p>
Apr 77	<b>DA Pam 600-43, Measuring Changes in Institutional Racial Discrimination in the Army.</b>
Apr 77	The Army held a “symposium, ‘Women in the Army,’ during which representatives from all major commands, the other services, and the Office of the Secretary of Defense discussed women’s issues and their resolution.” <sup>18</sup>
Jun 77	<p><b>AR 600-21, Equal Opportunity Program in the Army.</b> Superseded AR 600-21, Jul 73.</p> <p>“This regulation establishes the requirement for the development and implementation of an Equal Opportunity Program throughout the Active and Reserve Components. . . . Supplementation of this regulation at MACOM level is required.” (p. i)</p> <p><b>“CHAPTER 1 GENERAL PROVISIONS</b></p> <p>1-2.b. Personal, direct and continuous involvement of commanders at all levels is essential. What the commander does to assure evenhandedness, to eliminate activities which are divisive, and to translate goals into action sets the tone for the entire organization in equal opportunity.</p> <p>1-4.b. The chain of command is the primary channel for correcting discriminatory practices and for communications on equal opportunity matters.</p> <p>1-4.d. Army Equal Opportunity activities are based on affirmative actions which go beyond nondiscrimination and include planned and positive steps to identify and, where found, eliminate existing discriminatory practices, past or present.</p> <p>1-5.b. The Affirmative Actions component consists of a series of initiatives aggressively pursued to search out areas of inequity and discrimination to take corrective action. The objective is to assure that treatment of all personnel is based on merit, fitness, capability and job-related factors, and not arbitrarily on race, color, sex, age, national origin, religious, or other irrelevant factors.</p>

<sup>17</sup> ARI, *supra* note 11, p. 42.

<sup>18</sup> Col. Bettie J. Morden, USA(Ret.), The Women’s Army Corps, 1945-1978 (Washington, D.C.: U.S. Government Printing Office, 1990), p. 388.



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1-5.c. The Education and Training component is a continuing Army-wide effort to impart to all members of the Army an awareness concerning equal opportunity matters, to develop positive attitudes toward the program, and to foster good relationships among individuals and groups. Special attention will be given to the Army's expectations concerning the behavior of individual members in carrying out their duties and responsibilities and in their interacting with other personnel.

**CHAPTER 3 EDUCATION AND TRAINING**

3-1.c. Education and training courses will be conducted through formal training in Army training centers, Army Service schools, USAR schools, Army area schools, and individual units; through special training of Army leaders and managers; and through unit training sessions which stimulate lateral and vertical communications on equal opportunity matters. Instruction will focus on interpersonal relations; the impact of institutional discrimination; equality of opportunity; and contemporary factors influencing unit harmony, effectiveness, and mission accomplishment.

**3-2. Entry level training.** Formal training on equal opportunity will be included in the program of instruction given to all trainees during BCT/BT/OSUT and all newly commissioned officers during the Officers Basic Course.

**3-3. Individual education for Army leaders, managers and supervisors.** a. Education in equal opportunity will be institutionalized in the Army Service school system at all levels so that officers, warrant officers, noncommissioned officers, and their civilian counterparts know their responsibilities under the Army EO program and have the requisite sensitivity and skills in dealing with all matters pertaining to equal opportunity within their authority.

**3-4. Unit training.** a. The thrust of unit training will be toward informing unit members of policies and activities concerning equal opportunity; familiarizing unit members with racial, ethnic, cultural, and gender-related differences so that such differences can more readily be accepted as positive aspects of American and Army life rather than as negative; and impressing upon unit members the importance of open communication among all unit members as essential to unit effectiveness.

c.(1) Members of the chain of command, to include supervisors, will participate in unit equal opportunity sessions as instructors, discussion leaders, or as resource persons for answering questions concerning policy and practices.

3-5.c. Unit Discussion Leaders [UDL], whose role is to assist commanders in the conduct of unit EO training and to act as discussion leaders, moderators, or facilitators, will be selected, trained and made available locally, as prescribed by MACOM's.

3-5.d. UDL duty will be accomplished on a part-time or additional duty basis. Majority group members

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	<p>and minority group members, men and women, will be given equal consideration in selection for attendance at a UDL course.</p> <p><b>CHAPTER 4 ORGANIZATION AND STAFFING OF EQUAL OPPORTUNITY OFFICE</b></p> <p>4-1. In reality, the commander is the Equal Opportunity Officer and, as such, is assisted by staff members having Equal Opportunity responsibilities.</p> <p>4-2.a. Command priority for, commitment to, and involvement in Equal Opportunity matters is reflected in the organizational placement of Equal Opportunity Offices. The Equal Opportunity Staff Officer will have direct access to the commander at all times.</p> <p>4-3.a. [I]t is not intended that the EO staff officer's charter usurp or duplicate the traditional functions of other staff officers who must be involved in EO matters as an integral part of their day-to-day activities.</p> <p>4-5.a. Equal Opportunity and Organizational Effectiveness are complementary and mutually reinforcing functions, directed toward a common goal.</p> <p><b>APPENDIX D GUIDELINES FOR UNIT EO TRAINING</b></p> <p>D-1.b. There are four specific learning objectives.</p> <p>(1) To facilitate and improve the soldier's understanding of the entire Equal Opportunity Program for the United States Army.</p> <p>(2) To inform unit members about potential sources of minority/gender dissatisfaction and interracial/intersexual tension in the Army and about what the Army is doing to remove any grounds for dissatisfaction and tension in specific areas.</p> <p>(3) To increase the soldier's understanding and acceptance of different cultural modes.</p> <p>(4) To provide the chain of command with contemporary information and feedback on the status and progress of the Equal Opportunity Program."</p>
Jun 77	<p>The Deputy Chief of Staff for Personnel authorized the Army Research Institute (ARI) to evaluate the performance of women in their military occupational specialties and their ability to adapt to field conditions during the Army's annual REFORGER (Repositioning of Forces in Germany) exercise between July and October 1977. ARI reported its findings of <b>REFORGER 77</b> to the Army staff in November 1977, finding that the addition of women had no adverse impact on unit missions.</p>
Sep 77	<p>Integrated basic initial entry training for men and women began at Fort McClellan, Alabama, and Fort Jackson, South Carolina. Integrated training began at Fort Dix, New Jersey, and Fort Leonard Wood, Missouri, in October 1978.</p>
Dec 77	<p>Secretary of the Army announced the Army's <b>combat exclusion policy</b>. "It applied to all women in the Army--Regular Army, Army Reserve, or Army National Guard. An all-Army message stated: <i>Combat</i></p>

	<p><i>Exclusion Policy.</i> Women are authorized to serve in any officer or enlisted specialty except those listed below, at any organizational level, and in any unit of the Army, except in Infantry, Armor, Cannon Field Artillery, Combat Engineer, and Low Altitude Air Defense Artillery units of battalion/squadron or smaller size.”<sup>19</sup></p> <p>There are no statutory combat restrictions for Army women. With the dissolution of the WAC in October 1978, and the subsequent integration of women into the Army’s mainstream, the Army developed its own combat exclusion policy based on its interpretation of congressional intent as reflected in the statutes affecting the other services.</p>
Oct 78	The Army revised its AAP to extend coverage to ethnic minorities and women. The previous Army AAP focused almost exclusively on racial minorities. <sup>20</sup>
Oct 78	Women's Army Corps disestablished. <sup>21</sup>
Aug 79	DRRI changed its name to the Defense Equal Opportunity Management Institute (DEOMI). <sup>22</sup>
1979-1980	Senate and House subcommittees of the Armed Services Committees held hearings on the issues of women in combat and registration of women for the draft.
80	By 1980, over 170,000 women were on active duty, making up 8.5 percent of the U.S. armed forces.
Oct 80	<p><b>AR 600-20, Army Command Policy and Procedures.</b> Superseded AR 600-20, Apr 71, including all changes.</p> <p><b>“5-7. Relationship of superiors toward subordinates.</b></p> <p>e.(1) . . . Moreover, they should emphasize the importance of individual conduct and behavior as service members.</p> <p>f. Relationships between service members of different rank which involve (or give the appearance of) partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. Such relationships will be avoided. Commanders and supervisors will counsel those involved or take other action, as appropriate, if relationships between Service members of different rank-</p>

<sup>19</sup> *Ibid.*, p. 384.

<sup>20</sup> See Dep’t of Army, Pamphlet 600-26, Department of the Army Affirmative Action Plan (October 1, 1978).

<sup>21</sup> Department of the Army, General Order No. 20, November 21, 1978, disestablished the Women's Army Corps effective October 20, 1978, pursuant to Department of Defense Appropriation Authorization Act, 1979, Pub. L. 95-485, § 820, 92 Stat. 1611, 1627 (1978).

<sup>22</sup> See Dep’t of Defense, Directive 1322.11, Education and Training in Human/Race Relations for Military Personnel (September 12, 1978) (C1, August 2, 1979).

	<p>(1) Cause actual or perceived partiality or unfairness,  (2) Involve the improper use of rank or position for personal gain, or  (3) Can otherwise reasonably be expected to undermine discipline, authority, or morale.</p> <p><b>Chapter 5 Section V Pregnancy and Dependent Care Counseling</b></p> <p><b>5-35. Counseling Procedures.</b> a. Commanders will identify members of their command whose status is defined . . . below. They will counsel them on their rights and responsibilities for the care of their dependents as they relate to their responsibilities to the Service.”</p>
May 81	The Army established the <b>Women in the Army Policy Review Group (WITAPRG)</b> . This group analyzed Army personnel policies as they related to mission, combat readiness, quality of life, and utilization of female soldiers.
May 81	The Secretary of the Army signed a memorandum, <b>Department of the Army Policy on Sexual Harassment</b> , for all personnel emphasizing the unacceptability of sexual harassment. The memorandum urged individuals subjected to sexual harassment to make it clear to the offending person that such behavior is offensive and to report the harassment to the appropriate supervisory level.
Jun 81	The Supreme Court held in <b>Rostker v. Goldberg</b> that Congress has the constitutional authority to exclude women from the military draft. <sup>23</sup>
Jul 81	President Reagan nominated Sandra Day O'Connor as the first female Supreme Court Justice.
Jul 81	DoD policy memorandum, <b>Department of Defense Policy on Sexual Harassment</b> , signed by the Secretary of Defense, was the first to address this issue at the DoD level.
82	The U.S. Army Training and Doctrine Command (TRADOC) developed standardized training to counter sexual harassment for use in all enlisted and officer service schools and in Reserve Officers' Training Corps (ROTC) courses. The Army also produced standard training programs on the prevention of sexual harassment to present to civilian employees and their supervisors.
Jan 82	The Secretary of Defense directed the military services to “aggressively break down those remaining barriers that prevent us from making the fullest use of the capabilities of women in providing for our national defense.”
Fall 82	The Army discontinued coeducational basic training. Many women leaders considered the decision to end coed basic training a step backward. Army spokesmen, however, insisted that it was not meant to discriminate against women but to toughen the men. Men and women had been training in integrated

<sup>23</sup> Rostker v. Goldberg, 453 U.S. 57 (1981).

	companies since 1977.
Nov 82	The <b>Women in the Army Policy Review Group</b> completed its report. Its conclusions were “(1) The Army should implement a system whereby soldiers are matched to the physical demands of their job. (2) Assignment policy for each MOS must recognize the combat probability of each MOS and restrict assignment of women in those with a high probability of routinely engaging in direct combat.” <sup>24</sup>
83	The Army developed the <b>Direct Combat Probability Coding (DCPC)</b> system, which ascribed to each Army job an assessment of the probability of that job participating in direct combat. Direct combat was defined as engaging an enemy with individual or crew-served weapons while being exposed to direct enemy fire, a high probability of direct physical contact with the enemy, and a substantial risk of capture. Direct combat occurs while closing with the enemy in order to destroy or capture, or while repelling assault by fire, close combat, or counterattack.
Jul 83	The Secretary of Defense stated that it “is the policy of this Department that women will be provided full and equal opportunity with men to pursue appropriate careers in the military services for which they can qualify. This means that military women can and should be utilized in all roles except those prohibited by combat exclusion statutes and related policy. This does not mean that the combat exclusion policy can be used to justify closing career opportunities to women. The combat exclusion rule should be interpreted to allow as many as possible career opportunities for women to be kept open.”
Fall 83	170 women deployed to Grenada in <b>Operation Urgent Fury</b> .
Jan 84	<b>AR 600-21, Equal Opportunity Program in the Army.</b> Superseded AR 600-21, Jun 77; DA Pam 600-16, Jun 73; and DA Pam 600-42, Mar 77. <b>“Chapter 2 Policy</b> 2-1.a. The policy of the United States Army is to provide equal opportunity and treatment for uniformed members and their families irrespective of race, color, religion, sex, or national origin and to provide an environment free of sexual harassment. <b>2-2. Sexual harassment</b> Sexual harassment is an unwelcome form of sex discrimination. It is not limited to the work environment and can occur at almost any place. Sexual harassment violates acceptable standards of integrity and impartiality required of all Army personnel and interferes with mission accomplishment and unit cohesion. Many of the acts and neglect that constitute sexual harassment are prohibited and punishable under civil

<sup>24</sup> Dep’t of Army, Office of the Deputy Chief of Staff for Personnel, Women in the Army Policy Review, p. 9 (November 12, 1982).

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<p>and military law as criminal acts of a sexual nature, and should be treated as such. Any military member or civilian employee is engaging in sexual harassment who-</p> <ul style="list-style-type: none"><li>a. Through behavior of a sexual nature attempts to control, influence, or affect the career, pay, or job of a military member or civilian employee.</li><li>b. Makes deliberate or repeated verbal comments or gestures of a sexual nature that are offensive to the person to whom addressed</li><li>c. Makes abusive physical contact of a sexual nature.</li></ul> <p>2-4.b. <i>Command and Staff relationships.</i> The principal EOA will have direct access to the commander at all times. So long as the above condition is met, where the EO office is placed within the organization is a matter of local command discretion or other applicable directives.</p> <p>2-4.d. <i>Roles and duties of EOAs.</i></p> <ul style="list-style-type: none"><li>(3) Recognizes sexual harassment in both overt and subtle forms.</li><li>(4) Recommends remedies appropriate to reduce or prevent discrimination and sexual harassment.</li></ul> <p><b>2-12. Training</b></p> <ul style="list-style-type: none"><li>a. Minimum DA criteria for local unit training programs are as follows:<ul style="list-style-type: none"><li>(2) Unit training will focus on the following:<ul style="list-style-type: none"><li>(a) Army policies on EO, affirmative actions, and sexual harassment.</li><li>(b) Objectives of the Army EO program.</li><li>(c) Objectives of affirmative actions.</li><li>(d) Behavioral characteristics and other indicators of EO problems.</li><li>(e) The impact of individual and institutional discrimination on mission accomplishment.</li><li>(f) Identifying and countering sexual harassment.</li><li>(g) Legal consequences applicable to individuals participating in acts of sexual harassment.</li><li>(h) Individual responsibilities concerning equal opportunity and prevention of sexual harassment.</li><li>(i) The importance of honest and open interpersonal communications in promoting a healthy equal opportunity climate.</li></ul></li></ul></li><li>c.(1) Formal training on EO subjects will be conducted during initial entry training and will include-<ul style="list-style-type: none"><li>(b) An awareness of racial, cultural, and gender-related differences and attitudes as they relate to Army missions and activities.</li><li>(c) Complaint procedures according to this regulation and AR 20-1, AR 210-51, and AR 600-20.</li><li>(d) Legal and career consequences for those who do not comply with EO policies.</li><li>(e) Identifying and countering sexual harassment.</li></ul></li></ul>
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	<p>(5) <i>Command and staff college-level (CSC) and enlisted skill level 5.</i> Training conducted during CSC, the warrant officer senior course, the first sergeants' course, and the sergeants major course will include-</p> <p>(b) Specific roles and responsibilities of senior officers and NCOs in carrying out installation and MACOM EO programs.</p> <p>(c) Effective employment of the staff EO advisor.</p> <p>(d) Impacts of individual and institutional discrimination on mission accomplishment.</p> <p>(f) Identifying and countering sexual harassment.</p> <p>(6) <i>Army War College.</i></p> <p>(b) The international (host nation) aspects of EO.</p> <p>(c) The relationship of EO to readiness and mission capability.</p> <p>(d) Army leadership responsibilities in identifying and countering sexual harassment.</p> <p>(7) <i>Training for senior officials.</i> Emphasis will be on contemporary problems in EO, sexual harassment, and other topics.</p> <p><b>Glossary</b></p> <p><b>Sexual harassment</b></p> <p>Advances, requests for favors, and other sexually related verbal or physical conduct when-</p> <p>a. Submission to such conduct is made either explicitly or implicitly a condition of a person's job, pay , or career status.</p> <p>b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person.</p> <p>c. Such conduct interferes with a person's performance of duty or otherwise creates an intimidating, hostile, or offensive environment."</p>
84	<p>The Army eliminated the Military Occupational Specialty (MOS), 00U (full-time, school-trained EO specialists) for EO advisors (EOAs). The theory behind this shift in approach was a vision that more EO trained soldiers would move into leadership positions over time and, thus, institutionalize EO. The Army still trained EOAs at DEOMI for assignment at brigade level and higher staffs. After a successful tour of duty as EOAs, the soldiers were to return to duty in their primary MOSs.</p>
Apr 85	<p><b>AR 600-21, Equal Opportunity Program in the Army</b> (30 Apr 85 Update with change 3 to AR 600-21, Jan 84).</p> <p>This Update changed the word "sex" to "gender" throughout.</p> <p><b>"2-6. Procedures for processing complaints</b></p>

	<p>a. Individuals will be encouraged to use command channels for redress of grievances. Commanders will ensure that members are fully aware of procedures for obtaining redress of complaints including those against members of the chain of command. These procedures will be in writing and will be displayed at all times where all unit members have access to them.”</p>
May 85	The Secretary of Defense reiterated his policy statement on sexual harassment.
Apr 86	<p><b>AR 600-21, Equal Opportunity Program in the Army</b> (30 Apr 86 Update with change 4 to AR 600-21, Jan 84).</p> <p><b>2-2. Sexual harassment</b></p> <p>Added following to discussion of sexual harassment: <u>“Army leaders at all levels are responsible for taking both preventive and appropriate corrective action to combat this unacceptable form of behavior.”</u></p> <p>“2-4.a.(2) One full-time enlisted EOA will be available to each brigade-level or equivalent commander, and one full-time officer EOA will be available to the commander of each major combat formation (division, corps, Army) and at each MACOM.</p> <p><b>Glossary</b></p> <p><b>Sexual harassment</b></p> <p>Any soldier or civilian employee is engaging in sexual harassment who-</p> <p>a. Through behavior of a sexual nature attempts to control, influence, or affect the career, pay, or job of a soldier or civilian employee.</p> <p>b. Makes deliberate or repeated verbal comments or gestures of a sexual nature that are offensive to the person to whom addressed.</p> <p>c. Makes abusive physical contact of a sexual nature.”</p>
Aug 86	<p><b>AR 600-20, Army Command Policy and Procedures.</b> Superseded AR 600-20, Oct 80.</p> <p>“5-7.g. Relationships between officer and enlisted soldiers are prohibited and are contrary to the custom of the service and may constitute the offense of fraternization under the provisions of Article 134, UCMJ.”</p>
Oct 86	<p>Change 2 to <b>DoD Directive 1325.6, Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces</b>, September 1969.</p> <p>“III.G. <u>Prohibited Activities</u>. Military personnel must reject participation in organizations that espouse supremacist causes; attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin; or, advocate the use of force or violence, or otherwise engage in efforts, to deprive individuals</p>



	of their civil rights. Active participation, such as publicly demonstrating or rallying, fund raising, recruiting and training members, and organizing or leading such organizations is incompatible with Military Service, and is therefore prohibited. Commanders have authority to employ the full range of administrative procedures, including separation or appropriate disciplinary action against military personnel who actively participate in such groups.”
Dec 86	The Secretary of Defense reiterated his policy statement on sexual harassment.
88	The DoD <b>risk rule</b> was developed to help standardize the services’ assignment of women deploying to a hostile area. The rule stated: “Risks of direct combat, exposure to hostile fire, or capture are proper criteria for closing noncombat positions or units to women, when the type, degree, and duration of such risks are equal to or greater than the combat units with which they are normally associated within a given theater of operations. If the risk of non-combat units or positions is less than comparable to land, air or sea combat units with which they are associated, then they should be open to women. Non-combat units should be compared to combat land units, air to air and so forth.”
Jan 88	<b>DoD Task Force on Women in the Military</b> Report was published. “The Secretary of Defense established this Task Force as a direct result of continuing concerns raised by the DACOWITS about the full integration of women in the armed forces. The Secretary’s direction was to address three primary topics: attitudes toward and treatment of women in the military, and their impact on the morale and quality of life for women; consistency in application of combat exclusion statutes and policies, and their impact on effective utilization of women; and the manner in which various force management policies may impact adversely on women’s career development. Discussion and recommendations for action in response to that direction are contained in the sections [of the report] that follow.” <sup>25</sup>
Feb 88	<b>DoD Instruction 1350.3, Affirmative Action Planning and Assessment Process.</b> This prescribes DoD policy, assigns responsibilities, and establishes minimum reporting requirements by category and subject for annual Military Equal Opportunity Assessments submitted to DoD.
Mar 88	<b>AR 600-20, Army Command Policy.</b> Superseded AR 600-20, Aug 86, and AR 600-21, Apr 85. “4-1.b. While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; . . . and by fairness, justice, equity for all soldiers, regardless of race, ethnic origin, gender, or religion.

<sup>25</sup> Dep’t of Defense, Report, Task Force on Women in the Military, pp. 1-2 (January 1988).

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#### **4-12. Extremist Organizations**

The activities of extremist organizations are inconsistent with the responsibilities of military service. Active participation by soldiers is prohibited.

a. Military personnel, duty bound to uphold the Constitution, must reject participation in organizations which-

- (1) Espouse supremacist causes.
- (2) Attempt to create illegal discrimination based on race, creed, color, gender, religion, or national origin.
- (3) Advocate the use of force or violence, or otherwise engage in efforts to deprive individuals of their civil rights.

b. Passive activities, such as mere membership, receiving literature in the mail, or presence at an event, although strongly discouraged as incompatible with military service, are not prohibited by Army policy. Positive actions to limit soldier participation are listed in d below.

c. The prohibited activities concerning extremist groups include the following:

- (1) Participating in a public demonstration or rally.
- (2) Knowingly attending a meeting or activity while on duty, when in uniform, when in a foreign country, or in violation of off- limits sanctions or commander's order.
- (3) Conducting fund-raising activities.
- (4) Recruiting or training members (including encouraging other soldiers to join) .
- (5) Organizing or leading such a group
- (6) Distributing literature on or off a military installation.
- (7) Participating in any activity that is in violation of regulations, constitutes a breach of law and order, or is likely to result in violence.

d. Commanders should take positive actions when soldiers in their units are identified as members of extremist groups and /or when they engage in extremist group activities.

e. Actions taken by commanders must be appropriate to the specific facts surrounding any incident. Not every incident warrants separation or UCMJ action.

#### **4-14. Relationships between soldiers of different rank**

b. The commander will be responsible for establishing the leadership climate of the unit. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command.

d.(3) . . . A leadership climate in which all soldiers are treated with fairness, justice, and equity will be

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crucial to development of this confidence within soldiers.

e. All soldiers and Army civilians must understand that this policy is based on the principle of good judgment. . . . Just because a certain relationship does not break the law, does not mean it is acceptable or appropriate.

(1) Prejudgements in evaluating relationships and associations between soldiers of different rank have no place in military society. An association between soldiers of different rank who also are of different gender does not necessarily create a greater potential for impropriety than one between soldiers of the same gender. Relationships between males of different rank in the male-dominated military organization have as much potential for real or perceived partiality.

(3) Same sex relationships between soldiers of different rank may cause problems. The Army affirms managing our personal relationships to promote the health and welfare of all concerned and maintaining good order, morale, and discipline.

(5) Certain structures within the military demand closer scrutiny because of the greater risk that they will involve partiality or an abuse of authority. . . . These include Initial Entry Training (IET), Advanced Individual Training, and military schools. Military commanders have always closely controlled relationships between trainers and trainees. . . . These relationships are regulated in a very restrictive manner. Also discouraged are relationships between senior and subordinate members of the same unit or between soldiers closely linked in the chain of command or supervision. They are fraught with the possibility of actual or perceived favoritism, and are, therefore, potentially destructive of discipline, authority, morale, and soldier welfare.

#### **4-15. Trainee and soldier relationships**

Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party officers and noncommissioned officers without regard to the installation of assignment of the permanent party member or IET trainee.

### **Chapter 6 Equal Opportunity Program in the Army**

#### **6-1. Concept**

a. The Equal Opportunity Program formulates, directs, and sustains a comprehensive effort to ensure fair treatment of all soldiers based solely on merit, fitness, capability, and potential, which supports readiness. As such, EO is a responsibility of leadership and a function of command.

#### **6-6. Staffing**

b. *Command and Staff relationship.* The principal EOA has direct access to the commander at all times. . . . EO office placement within the organization is a matter of local command discretion provided it

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	is in compliance with AR 5-3.”
Jun 88	U.S. Merit System Protection Board (MSPB) released its report, <b>Sexual Harassment in the Federal Government: An Update</b> . This report discussed the results of a MSPB study to determine the nature and extent of sexual harassment in the federal government. It updated the findings of an earlier study reported in 1981. The 1988 report found that sexual harassment remained a widespread problem in the federal workplace.
Sep 88	The U.S. General Accounting Office (GAO) released its report, <b>Women in the Military: More Military Jobs Can Be Opened Under Current Statutes</b> . “This report responds to your . . . request that we review how service policies implementing the combat exclusion provisions affect the number and assignment of women in the military, and whether other factors limit job opportunities for women. In the report we address the numerical impact of the statutory restrictions, and how service policies unrelated to statutory restrictions limit the availability of jobs for women.” <sup>26</sup>
Dec 89-Jan 90	During <b>Operation JUST CAUSE</b> in Panama, women in several specialties--particularly aviation, military police, transportation, and medical support--found themselves involved in combat in the streets of Panama City.
Sep 90	DoD Defense Manpower Data Center released its report, <b>Sexual Harassment in the Military: 1988</b> . “This report provides the results of the 1988 DoD Survey of Sex Roles in the Active-Duty Military, mandated by then Secretary of Defense Frank Carlucci in response to a recommendation of the Task Force on Women in the Military.” <sup>27</sup>
Nov 90	A DA <b>Inspector General Assessment on Equal Opportunity</b> indicated a need for renewed emphasis on sexual harassment and equal opportunity training throughout the Army.
90-91	“Of the more than half a million U.S. troops deployed to the Persian Gulf during <b>Operations Desert Shield and Desert Storm</b> , approximately 7 percent (about 41,000) were women.” <sup>28</sup> About 26,000 female soldiers were among those deployed (8.6 percent of all soldiers deployed).
Jul 91	The Secretary of Defense sent a memorandum, <b>Department of Defense Strategies to Eradicate Sexual Harassment in the Military and Civilian Environment</b> , to all DoD components, directing each to

<sup>26</sup> U.S. General Accounting Office, Report to Congressional Requesters, Women in the Military: More Military Jobs Can Be Opened Under Current Statutes, GAO/NSIAD-88-222, p. 1 (September 7, 1988).

<sup>27</sup> Dep’t of Defense, Defense Manpower Data Center, Sexual Harassment in the Military: 1988, p. iii (September 1990).

<sup>28</sup> U.S. General Accounting Office, Report to the Secretary of Defense, Women in the Military: Deployment in the Persian Gulf War, GAO/NSIAD-93-93 (July 13, 1993).

	implement a program emphasizing that sexual harassment will not be tolerated. Each program had to incorporate seven specified actions. Components were tasked to provide annual updates to DoD on the progress and effectiveness of their program.
Sep 91	The 1991 Tailhook Convention was held at the Las Vegas Hilton Hotel, Las Vegas, Nevada, from September 5-8, 1991. Hundreds of aviators, male and female, including active duty, reserve, and retired officers from both the Navy and Marine Corps aviation communities attended. The Tailhook Convention was an annual event sponsored by the Tailhook Association. Allegations of assaults on female attendees and other inappropriate conduct at the convention were later made public.
Sep 91	Fort McClellan conducted prototype of gender-integrated One Station Unit Training (OSUT) for military police and chemical military occupational specialties (MOSs).
Dec 91	In Section 531 of the <b>National Defense Authorization Act of Fiscal Years 1992 and 1993</b> , Congress repealed 10 United States Code (U.S.C.) 8549, which restricted the Air Force's assignment of women to aircraft engaged in combat missions, and amended language in 10 U.S.C. 6015 relating to the assignment of women in the Navy and Marine Corps to aircraft or naval vessels engaged in combat missions. (The Army has never been statutorily restricted from assigning women to combat aircraft.) Sections 541-550 of the Act established the Presidential Commission on the Assignment of Women in the Armed Forces. The purpose of the Commission was to assess the laws and policies restricting the assignment of female service members and make findings, conclusions, and recommendations on such matters. <sup>29</sup>
92	The Sample Survey of Military Personnel (SSMP) survey questions in the areas of EO and sexual harassment were modified.
Apr 92	Change 2 to <b>AR 600-20, Army Command Policy</b> , Mar 88. <b>"6-4 Sexual Harassment"</b> a. Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

<sup>29</sup> National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. 102-190, §§ 531, 541-550, 105 Stat. 1290, 1365 (1991).

	<p>(3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.</p> <p>b. Any soldier or civilian employee:</p> <p>(1) In a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job of another soldier or civilian employee is engaging in sexual harassment.</p> <p>(2) Who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.</p> <p>c. Sexual harassment is not limited to the workplace, can occur at almost any place, and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion. Such behavior by soldiers or Army civilians will not be tolerated.</p> <p>6-6a.(2) One full-time enlisted EOA will be available to each brigade-level or equivalent commander, and one full-time officer EOA will be available to the commander of FORSCOM, TRADOC, and USAREUR."</p>
Apr 92	DA policy memorandum, <b>Army Policy Statement on Equal Opportunity</b> , signed by the Secretary of the Army and the Army Chief of Staff.
Spring 92	Fort Jackson, South Carolina was tasked with running a test of squad level gender-integrated Basic Combat Training (BCT). The test found no differences in performance between men and women trained in single gender and gender-integrated companies.
Jun 92	At the request of Congress, the U.S. General Accounting Office (GAO) reviewed the issue of sexual harassment at all three of the service academies. It presented its preliminary results at a hearing before the Subcommittee on Manpower and Personnel, Senate Armed Services Committee, on June 2, 1992. <sup>30</sup>
Jul 92	The Army Chief of Staff, General Gordon Sullivan, testified before the House Armed Services Committee on the subject of sexual harassment in the Army. He stated that "the Army is firmly opposed to sexual harassment in any form. . . . The Army is dependent on cohesion and trust among its soldiers and leaders to be able to accomplish the difficult and often dangerous tasks of training for war. In such an environment, sexual harassment is dysfunctional; it undermines the fabric of the force; it is contrary to what we stand for as an institution. . . . I want to reinforce the commitment of the Department of the Army

<sup>30</sup> U.S. General Accounting Office, DoD Service Academies: Status Report on Reviews of Student Treatment, GAO/T-NSIAD-92-41 (June 2, 1992).

	to providing those serving the nation under the Army Seal an environment free of any form sexual harassment.” <sup>31</sup>
Nov 92	<b>Presidential Commission on the Assignment of Women in the Armed Forces</b> submitted to the President its final report containing a review of existing laws and policies and its recommendations for the future assignment of women in the Armed Forces. It defined 17 critical issues relevant to this matter.
Nov 92	Training support packages (TSPs) in equal opportunity and the prevention of sexual harassment were developed for Individual Entry Training (IET) and for every Army leadership course. These TSPs were implemented in early 1993.
92-93	“More than 18,000 U.S. Service members are sent to Somalia to assist the United Nations in a humanitarian relief mission, <b>Operation Restore Hope</b> . Over 300 of the service members participating are women.” <sup>32</sup>
Feb 93	The U.S. Army Soldier Support Center conducted an assessment of Army school implementation of the EO TSPs.
Mar 93	DA Sexual Harassment Action Plan published. Army’s senior leadership mandated that the plan be periodically reviewed and revised.
Apr-May 93	The U.S. Training and Doctrine Command (TRADOC) Inspector General conducted a follow-on assessment of EO training in Army schools.
Spring 93	The Inspector General School added a four-hour block of instruction for all new inspectors general. The instruction covers equal opportunity, to include the prevention of sexual harassment. Questions for sexual harassment were fielded in the Spring 1993 SSMP survey.
Jun 93	Army installations established EO/prevention of sexual harassment hotlines. Operating 24 hours a day, the hotlines “provide procedural information on the filing of complaints and advise callers in identifying acts or behaviors which constitute sexual harassment.” <sup>33</sup>
Aug 93	<b>DA Pam 350-20, Unit Equal Opportunity Training Guide.</b>
Sep 93	<b>Change 4 to AR 600-20, Army Command Policy.</b>

<sup>31</sup> Statement by General Gordon R. Sullivan, Chief of Staff, Army, before the Committee on Armed Services, U.S. House of Representatives, 102d Cong., 2d Sess. (July 30, 1992).

<sup>32</sup> Defense Advisory Committee on Women in the Services (DACOWITS), History and Accomplishments, p. 18 (February 1997).

<sup>33</sup> *Sexual Harassment of Military Women and Improving the Military Complaint System, Hearing before the Committee on Armed Services, House of Representatives*, 103d Cong., 2d Sess. 128 (1994) (statement of Joe R. Reeder, Under Secretary of the Army).

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**“6-3. Equal opportunity policy**

a.(2) Extends to soldiers, civilian employees, and their families.

b. . . . The following are exceptions to a totally nonbiased personnel management process:

(1) The assignment and utilization of female soldiers.

(2) Support for established equal opportunity goals, such as to increase representation of a particular group in one or more monitored area(s) of affirmative action plans (AAPs).

**6-5. Chain of command responsibilities**

The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate. This responsibility entails, but is not limited to, promoting positive programs that enhance unit cohesion, esprit, and morale; communicating matters with EO significance to unit personnel and higher headquarters; correcting discriminatory practices by conducting rapid, objective, and impartial inquiries to resolve complaints of discrimination; encouraging the surfacing of problems and preventing reprisal for those who complain; and taking appropriate action against those who violate Army policy.

**6-6. Staffing**

c. *Command and staff relationships.* The principal EOA will have direct access to the supported commander at all times and that commander will be either the EOA’s rater or senior rater.

**6-8. Procedures for processing complaints of discrimination**

a. *Individual rights.* Soldiers and their family members have the right to--

(1) Present a complaint to the command without fear of intimidation, reprisal, or harassment;

(2) Communicate with the commander concerning their complaints;

b. *Individual responsibilities.* Individuals have the responsibility to --

(1) Attempt to resolve a complaint by first informing the alleged offender that the behavior must stop. (Depending upon the severity of the offense, this may not always be plausible);

(2) Advise the command of the specifics of sexual harassment and discrimination complaints and provide the command an opportunity to take appropriate action to rectify/resolve the issue; and

(3) Submit only legitimate complaints and exercise caution against unfounded or reckless charges.

c. *Entering the complaints processing system.*

(1) *Informal Complaint.*

(2) *Formal Complaint.*

f. *Actions of the commander.*

(2) The unit commander will conduct an inquiry to determine if sufficient evidence exists to warrant a

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	<p>full investigation. . . . Should such evidence exist, the commander must refer the case to the battalion- or brigade-level commander for the appointment of an AR 15-6 investigating officer.</p> <p>(3) . . . The EOA will review and comment on the findings of the investigation to ensure compliance with DoD /DA policies and objectives.</p> <p><i>h. EOA assistance.</i> . . . An EOA's skills in complaint handling and conflict resolution and training in the subtleties of discrimination and sexual harassment enable him or her to advise the commander or any investigating officer in this complex area."</p>
Nov 93	The Army Chief of Staff, General Sullivan, directed the reinstatement of EOAs in Army divisions and the warfighting Corps headquarters.
Jan 94	The Secretary of Defense, Les Aspin, announced a new policy regarding women in combat that rescinded the 1988 "risk rule." Under the new policy, soldiers are eligible to be assigned to all positions for which they are qualified, except that women shall be excluded from assignment to units below brigade level with the primary mission of engaging in direct combat on the ground. As a result of this policy, 80 percent of all military positions can now be filled by either men or women.
Jan 94	DA policy memorandum, <b>Army Policy Statement on Equal Opportunity</b> , signed by the Secretary of the Army and the Chief of Staff of the Army. "People are the cornerstone of readiness. Sophisticated weapons systems and modern technology are of little value without a dedicated, trained team of professional soldiers and civilians. They must know they will be treated fairly, and with dignity and respect in all aspects of performing the mission."
Jan 94	The U.S. General Accounting Office (GAO) released its report, <b>DoD Service Academies: More Actions Needed to Eliminate Sexual Harassment</b> . GAO "reviewed the issue of sexual harassment at all three of the service academies. This report addresses (1) the extent to which sexual harassment occurred at the academies, the forms it took, and its effect on those subjected to it and (2) an evaluation of the academies' efforts to eradicate sexual harassment. This report expands upon the preliminary results we presented at the hearing on the service academies before the Subcommittee on Manpower and Personnel on June 2, 1992." <sup>34</sup>

<sup>34</sup> U.S. General Accounting Office, Report to Congressional Requesters, DoD Service Academies: More Actions Needed to Eliminate Sexual Harassment, GAO/NSIAD-94-6, p. 1 (January 31, 1994). See also U.S. General Accounting Office, DoD Service Academies: Status Report on Reviews of Student Treatment, GAO/T-NSIAD-92-41 (June 2, 1992).

Mar 94	The DoD Inspector General noted in a report that several EO specialists it interviewed indicated they did not have the direct access to commanders their responsibilities required. <sup>35</sup>
Mar 94	The House Armed Services Committee held hearings on <b>Sexual Harassment of Military Women and Improving Military Complaint System</b> . <sup>36</sup>
Mar 94	The Deputy Secretary of Defense expressed concern in a memorandum to the Secretary of the Air Force and the Assistant Secretary of Defense (Personnel and Readiness) that DoD had yet to develop and implement fully the policies and procedures necessary to rid DoD of sexual harassment. He requested a plan of action and a calendar for developing and implementing these policies and regulations.
Apr 94	The Secretary of the Air Force and the Under Secretary of Defense for Personnel and Readiness submitted a sexual harassment policy action plan to the Deputy Secretary of Defense containing five main elements. One of those elements was to establish the <b>Defense Equal Opportunity Council Task Force on Discrimination and Sexual Harassment</b> to review the military services' discrimination complaints system and recommend improvements.
Jul 94	DA policy memorandum, <b>Army Policy on Sexual Harassment</b> , signed by the Secretary of the Army and the Chief of Staff of the Army.
Aug 94	The Secretary of Defense issued a policy memorandum, <b>Prohibition of Sexual Harassment in the Department of Defense (DoD)</b> .
Oct 94	"As of October 1994, 67% of all positions in the Army are open to women, with the Navy at 94%, Air Force at 99%, Marine Corps at 62%, and the Coast Guard at 100%." <sup>37</sup>
Oct 94	Section 532 of the <b>National Defense Authorization Act for Fiscal Year 1995</b> stated: "(d) MILITARY DEPARTMENT POLICIES. -- (1) The Secretary of the Navy and the Secretary of the Air Force shall review and revise the regulations of the Department of the Navy and the Department of the Air Force, respectively, relating to equal opportunity policy and procedures in that Department for the making of, and responding to, complaints of unlawful discrimination and sexual harassment in order to ensure that those regulations are substantially equivalent to the regulations of the Department of the

<sup>35</sup> Dep't of Defense, Assistant Inspector General for Departmental Inquiries, Review of Military Department Investigations of Allegations of Discrimination by Military Personnel (March 1994).

<sup>36</sup> *Sexual Harassment of Military Women and Improving the Military Complaint System, Hearing before the Committee on Armed Services, House of Representatives*, 103d Cong., 2d Sess. 128 (1994).

<sup>37</sup> DACOWITS, *supra* note 32, p. 20 (February 1997).

	Army on such matters. . . . (3) The Secretary of the Army shall review the regulations of the Department of the Army relating to equal opportunity policy and complaint procedures and revise the regulations as the Secretary of Defense considers appropriate to strengthen the regulations in accordance with the recommendations and experience described in subparagraphs (A) and (B) of paragraph (2).” [Paragraph (2) references approved recommendations of the Department of Defense Task Force on Discrimination and Sexual Harassment and experiences of the Services regarding EO cases.] <sup>38</sup>
Oct 94	<b>Training Circular (TC) 26-6, Commander's Equal Opportunity Handbook.</b>
Fall 94	The first companies at Fort Leonard Wood, Missouri and Fort Jackson, South Carolina completed coed basic training under the newly approved policy of "gender-integrated basic training."
Dec 94	A House Armed Services Committee task force conducted focus group sessions with soldiers at 19 installations to determine their views on EO. It issued its report in December 1994. <sup>39</sup>
Mar 95	GAO released its report, <b>DoD Service: Update on Extent of Sexual Harassment.</b> "On January 31, 1994, we issued a report on sexual harassment at the three Department of Defense (DoD) service academies as part of a series of reports originally requested by Senator Nunn and Senator Glenn. As requested, we updated that previous work, and this report compares the results of our 1990-91 survey with the extent to which sexual harassment was reported to have occurred at the academies in the 1993-94 academic year, the forms it took, and the views of academy men and women on the consequences of reporting it." <sup>40</sup>
May 95	<b>Defense Equal Opportunity Council, Report of the Task Force on Discrimination and Sexual Harassment.</b> Report identified goals and principles for an effective equal opportunity system. Recommended 48 improvements in the way the Armed Services deal with discrimination and harassment.
Aug 95	DA policy memorandum, <b>Army Policy Statement on Equal Opportunity</b> , signed by the Secretary of the Army and the Chief of Staff of the Army.
Aug 95	DA policy memorandum, <b>Army Policy Statement on Sexual Harassment</b> , signed by the Secretary of the Army and the Chief of Staff of the Army.

<sup>38</sup> National Defense Authorization Act for Fiscal Year 1995, Pub. L. 103-337, § 532, 108 Stat. 2663, 2759 (1994).

<sup>39</sup> House Armed Services Committee Task Force on Equality of Treatment and Opportunity in the Armed Services, An Assessment of Racial Discrimination in the Military: A Global Perspective (December 30, 1994).

<sup>40</sup> U.S. General Accounting Office, Report to Congressional Requesters, DoD Service Academies: Update on Extent of Sexual Harassment, GAO/NSIAD-95-58 (March 31, 1995).

Aug 95	DoD reissued <b>DoD Directive 7050.6, Military Whistleblower Protection</b> . This directive extended protected communication to include complaints of sexual harassment or unlawful discrimination.
Aug 95	<p>DoD reissued <b>DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program</b>.</p> <p>“C. <u>DEFINITIONS</u>. Terms used in this Directive are defined in enclosure 2. Service implementing documents shall adopt the terms contained herein and shall define those terms exactly as they are defined in this Directive.</p> <p><u>DEFINITIONS</u></p> <p>15. <u>Sexual Harassment</u>. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career, or</li> <li>b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or</li> <li>c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.</li> </ul> <p>This definition emphasizes that workplace conduct, to be actionable as “abusive work environment” harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. . . . Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.”</p>
Dec 95	Two white soldiers killed two black civilians in Fayetteville, NC.
Dec 95	The Secretary of the Army established a task force to examine extremist activities in the Army.
Jan 96	GAO released its report, <b>Military Equal Opportunity: Problems With Services’ Complaint Systems Are Being Addressed by DoD</b> . GAO had been asked to identify the Services’ processes for handling EO complaints and determine whether there were opportunities for improving the processes. This report completed a three-part effort. In April 1995, GAO issued a report that identified previous DoD studies on discrimination in the military. In November 1995, it issued a report that examined the services’ military

	EO assessment. <sup>41</sup>
Mar 96	<p>The <b>Secretary of the Army's Task Force on Extremist Activities</b> issued its report.</p> <p>"The Task Force found no widespread or organized extremist activity in the Army." (p. 5)</p> <p>"Most majority and many minority soldiers believe overt racism and discrimination are suppressed by the Army's unequivocal Equal Opportunity policy and firm enforcement of that policy.</p> <p>The human relations environment is best where the chain of command is clear in its policy, proactive, and both quick and unambiguous in its response to incidents or complaints.</p> <p>Many soldiers believe teamwork, racial integration, and equitable treatment occur in the workplace, yet most minority and many majority soldiers believe that subtle racism exists. Most report that off-duty socialization often polarizes along racial, ethnic, cultural, or other lines. This behavior, however, is often viewed as natural and acceptable.</p> <p>Senior Army leaders believe the Army's human relations environment is shaped by institutional mores and operational requirements and reflects Army values. . . . Junior soldiers reported an undercurrent which . . . focuses on racial, ethnic, and cultural differences, stereotyping, separatism, self-polarization, misperception and individual racial animosity." (pp. 13-14)</p> <p>"The Army relies on its Equal Opportunity Program and requisite training to address these issues. The quality of Equal Opportunity Advisors and Representatives was found to range from excellent to fair, resulting in uneven unit Equal Opportunity training throughout the Army. . . . The assessment also revealed several installations where Equal Opportunity staffing was inadequate.</p> <p>Recently, equal opportunity training has focused predominately on sexual harassment and sexism. Currently, most soldiers and leaders believe that sexism is more prevalent than racism at the unit level." (p. 14)</p> <p>"The high Operational Pace for units is contributing to a stressful human relations environment.</p> <p>Today's Army is still experiencing the effects of downsizing, base realignments, and increased contingency operations, which contribute to a perception of instability and career insecurity in the force. . . . [M]any soldiers and leaders . . . perceive a zero-defect environment developing. Zero defect is viewed as no tolerance for mistakes, no opportunity for recovery, and a demand for perfection." (p. 15)</p>
Jun 96	The Supreme Court ruled that the Virginia Military Institute's (VMI) all male policy violates women's

<sup>41</sup> U.S. General Accounting Office, Military Equal Opportunity: Problems With Services' Complaint Systems Are Being Addressed by DoD, GAO/NSIAD-96-9 (January 26, 1996). See also U.S. General Accounting Office, Equal Opportunity: DoD Studies on Discrimination in the Military, GAO/NSIAD-95-103 (April 7, 1995); U.S. General Accounting Office, Military Equal Opportunity: Certain Trends in Racial and Gender Data May Warrant Further Analysis, GAO/NSIAD-96-17 (November 17, 1995).

	constitutional rights to equal protection. <sup>42</sup>
Nov 96	Allegations of sexual misconduct at Aberdeen Proving Ground brought to public's attention.
Nov 96	The Secretary of the Army directed the Department of the Army Inspector General to review and assess the sexual harassment policies and procedures at basic and advanced individual training organizations and units at Aberdeen Proving Ground and throughout the Army Training Base. The Secretary established the <b>Senior Review Panel on Sexual Harassment</b> .
Dec 96	<b>DoD Defense Manpower Data Center (DMDC) 1995 Sexual Harassment Survey</b> report published. The three survey forms used in the study "document a decline in harassment experiences and reflect DoD and the Services' increased emphasis on combating sexual harassment." <sup>43</sup>

<sup>42</sup> United States v. Virginia, 116 S.Ct. 2264 (1996)

<sup>43</sup> Dep't of Defense, Defense Manpower Data Center, 1995 Sexual Harassment Survey, DMDC Report No. 96-014, p. viii (December 1996).

## **ANNEX G**

### **CONTEMPORARY MILITARY DOCUMENTS RELATING TO EQUAL OPPORTUNITY AND SEXUAL HARASSMENT IN THE UNIFORMED ARMY**





Date	Document	Quote	Remarks
May 94	DoD Human Goals Charter	In all that we do, we must show respect for the serviceman, the servicewoman, the civilian employee, and family members, recognizing their individual needs, aspirations, and capabilities.	
Aug 94	Secretary of Defense Memorandum, <i>Prohibition of Sexual Harassment in the Department of Defense (DoD)</i>	It remains the policy of the Department of Defense (DoD) that sexual harassment is strictly prohibited in the Armed Forces and the civilian work force.	
Aug 95	DoD Directive 1350.2, <i>Department of Defense Military Equal Opportunity (MEO) Program</i>	<p><b>C. DEFINITIONS</b>  Terms used in this Directive are defined in enclosure 2. Service implementing documents shall adopt the terms contained herein and shall define those terms exactly as they are defined in this Directive.</p> <p><b>D. POLICY</b>  It is DoD policy to:</p> <p>2. Promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability. Unlawful discrimination against persons or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned.</p> <p>3. Use the command to promote, support, and enforce the MEO program. The chain of command is the primary and preferred channel for identifying and correcting discriminatory practices. This includes the processing and resolving of complaints of unlawful discrimination and sexual harassment, and for ensuring that human relations and EO matters are taken seriously and acted upon as necessary. The chain of command is responsible for creating and maintaining a MEO environment that incorporates the policies set out in this Directive.</p> <p>4. Ensure that the Military Services (to include the Reserve components) establish MEO and affirmative action programs that identify and resolve EO problems through formulating, maintaining, and reviewing affirmative action plans (AAPs) with established objectives and milestones, including accountability in personnel management, consistent with DoD Instruction 1350.3.</p> <p>5. Provide periodic, mandatory education and training in EO and human relations at installation and fleet unit commands, during pre-commissioning programs and initial entry training, and throughout professional military</p>	Basis for chapter 6 of AR 600-20, <i>Army Command Policy</i> .

		<p>education (PME) systems, as part of the overall effort to achieve EO within the Department of Defense. This training shall be provided to all Service members, enlisted and officer, including flag and general officers. The training shall include comprehensive material on leadership roles and responsibilities for EO programs, complaints processing, legal implications, reprisal prevention and detection, climate assessment methodologies, and managing civilian equal employment opportunity (EEO) systems.</p> <p>6. Provide for an environment that is free from unlawful discrimination and sexual harassment.</p> <p>7. Ensure that all on-base activities and, to the extent of the ability of the Department of Defense, any off-base activities available to military personnel are open to all military personnel and their family members regardless of race, color, religion, age, physical or mental disability, sex, or national origin, as called for by the DoD Human Goals Charter.</p> <p><b><u>F. RESPONSIBILITIES</u></b></p> <p>2. The <u>Secretaries of the Military Departments</u> are responsible for EO and for ensuring compliance with this Directive within their respective Services and shall:</p> <p>b. Require commanders to assess their organizational EO climate, preferably as part of their assumption of command. Commanders shall be held accountable for the EO climate in their commands.</p> <p><b><u>DEFINITIONS</u></b></p> <p>15. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:</p> <p>a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or</p> <p>b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or</p> <p>c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.</p> <p>This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. . . . Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.</p>	<p>This 1995 DoD definition is not in published Army documents; included in draft revision of chapter 6, AR 600-20.</p>
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Feb 88	DoD Instruction 1350.3, <i>DoD Affirmative Action Planning and Assessment Process</i>	<p>A. Assigns responsibilities and establishes minimum reporting requirements by category and subject for annual Military Equal Opportunity Assessments.</p> <p>C. It is DoD policy for the Military Services to monitor and report on selected dimensions of their personnel programs to ensure equal opportunity and fair treatment for all Service members through affirmative actions and other initiatives.</p>	Basis for DA Pam 600-26, <i>Department of the Army Affirmative Action Plan</i> .
Aug 93	DoD Directive 5500.7, <i>Standards of Conduct</i>		
Aug 93 w/ c2 Mar 96	DoD 5500.7-R, <i>Joint Ethics Regulation</i>	<p><b>CHAPTER 12 ETHICAL CONDUCT</b></p> <p>SECTION 3. <u>CODE OF ETHICS FOR GOVERNMENT SERVICE</u></p> <p>SECTION 4. <u>DoD HUMAN GOALS</u></p> <p>SECTION 5. <u>ETHICAL VALUES</u></p> <p>12-501.g. <u>Respect</u>. To treat people with dignity, to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community.</p>	
Aug 95	DoD Directive 7050.6, <i>Military Whistleblower Protection</i>	<p><b>D. POLICY</b></p> <p>1. Members of the Armed Forces shall be free to make a protected communication to a Member of Congress; an Inspector General (IG); a member of a DoD audit, inspection, investigation, or law enforcement organization; or any other person or organization (including any person or organization in the chain of command) designated under Component regulations or other established administrative procedures to receive such communications.</p> <p>3. Members of the Armed Forces shall be free from reprisal for making or preparing a protected communication.</p> <p>4. No person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces for making or preparing a protected communication.</p>	Included in draft revision of AR 600-20.
Aug 95	DA Memorandum, <i>Army Policy Statement on Equal Opportunity</i>	People remain the cornerstone of readiness. . . . Each must be treated fairly and with dignity and respect in all aspects of daily interactions. We expect all to treat one another as they would want to be treated. Leaders at all levels must continue to establish and maintain command climates that focus efforts toward mission accomplishment. If either the perception or the reality of unequal treatment exists in the organization, the mission suffers. We all rightfully expect standards to be enforced as we live the Army's values.	
Aug 95	DA Memorandum, <i>Army Policy on Sexual Harassment</i>	The policy of the United States Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels must be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. . . . To this end, we expect the commitment of each of you to establish and maintain a work and duty	

		environment free of sexual harassment for all personnel, whether civilian or military, active duty or reservist. . . . The Army bases its success on mission accomplishment. Successful mission accomplishment can only be achieved in an environment of mutual respect, dignity and fair treatment. This necessitates zero tolerance of sexual harassment.	
Mar 94	AR 20-1, <i>Inspector General Activities and Procedures</i>	<p><b>1-4. Responsibilities</b></p> <p>a.(10)(a) Provide a system for resolving problems of soldiers, family members, civilian employees, and retirees; protect confidentiality to the maximum extent possible; and guard against reprisal.</p> <p>a.(10)(c) Process Equal Opportunity complaints, to include complaints of sexual harassment, as Inspector General Assistance Requests.</p> <p><b>Chapter 1 Section IV Punitive Prohibitions</b></p> <p>1-10.b.(2) <i>Prohibition on reprisal against a military whistleblower.</i></p> <p><b>6-6. Actions on certain types of Inspector General Action Requests</b></p> <p>b. <i>Soldier EO Complaints.</i> The EO advisor, under provisions of AR 600-20, the IG, or an investigating officer appointed under AR 15-6, may address EO complaints made by soldiers. The manner in which EO complaints are addressed and who specifically addresses the complaint is a command decision.</p>	
Aug 94	AR 27-10, <i>Military Justice</i>	<p><b>Chapter 18 Victim/Witness Assistance</b></p> <p>This chapter implements . . . Victim/Witness Protection Act of 1982 . . . Victim of Crime Act of 1984 . . . and Victims' Rights and Restitution Act of 1990. It also establishes policy, designates responsibility, and provides guidance for the assistance and treatment of those persons who are victims of offenses under the UCMJ and those persons who may be witness in proceedings conducted pursuant to the UCMJ.</p>	
Aug 95	AR 40-501, <i>Standards of Medical Fitness</i>	<p><b>2-32. Personality, behavior, or academic skills disorders</b></p> <p>The causes for rejection are as follows:</p> <p>a. Personality or behavior disorders, as evidenced by frequent encounters with law enforcement agencies, antisocial attitudes or behavior which, while not sufficient cause for administrative rejection, are tangible evidence of impaired characterological capacity to adapt to military service.</p>	
Jun 93	AR 190-24, <i>Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations</i>	<p><b>2-4. Duties and functions of boards</b></p> <p>The AFDCBs will-</p> <p>b. Receive reports, and take appropriate action on conditions in their area of responsibility relating to any of the following--</p> <p>(1) Disorders and lack of discipline.</p> <p>(5) Racial and other discriminatory practices.</p>	
Nov 93	AR 190-40, <i>Serious Incident Report</i>	<p><b>1-4. Responsibilities</b></p> <p>b. Commanders of major Army commands (MACOMs) will-</p> <p>(3) Implement a reporting system . . . and ensure that the MACOM headquarters submits the SIR to HQDA (overseas MACOMs only).</p> <p>c. Continental United States (CONUS) installation commanders will-</p>	Under revision.

		<p>(1) Report serious incidents to HQDA.</p> <p>d. All Active Army, Army National Guard (ARNG), or United States Army Reserve unit (USAR), agency, or activity commanders, to include commanders of Army elements of unified or combined commands, will-</p> <p>(1) Expeditiously notify the CONUS installation commander having geographic reporting responsibility or the overseas MACOM commander, as appropriate, of serious incidents.</p> <p><b>2-3. Incidents not reportable by Serious Incident Report</b></p> <p>h. Incidents involving subversion and espionage directed against the U.S. Army and deliberate security violations.</p> <p><b>Appendix C Category 2 Reportable Serious Incidents</b></p> <p>C-1. Actual or alleged incidents involving the following:</p> <p>c. Racially or ethnically motivated criminal acts.</p> <p>r. Maltreatment of soldiers or DA civilians to include assaults, abuse, or exploitation, when the offender has a trainer, supervisor or cadre-trainee relationship with the victim, regardless of whether they are members of the same organization. Instances of consensual sex are not reportable unless other considerations such as sexual harassment or adverse publicity are involved.</p> <p>C-2. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.</p>	
Sep 88 w/ c1 Sep 93	AR 190-45, <i>Law Enforcement Reporting</i>	<p><b>4-2. Military Police Report (MPR)</b></p> <p>b. <i>Cautionary rule.</i> An incident will not be reported as a founded offense unless adequately substantiated by police investigation.</p> <p><b>DA Form 3975, Military Police Report</b></p> <p><b>DA Form 4833, Commander's Report of Disciplinary or Administrative Action</b></p> <p><b>Table 4-2 Offense Code List</b></p> <p>5E Civil Rights</p> <p>6 Sex Crimes</p> <p><b>DA Form 2819, Law Enforcement and Discipline Report</b></p>	Proponent changing MPR, DA Form 3975, to include NIBRS requirements. Dissemination of MPR: local commanders and supervisors, U.S. Army Crime Records Center, other. No requirement to report to HQDA.
Oct 85 w/ c1 Sep 93	AR 195-2, <i>Criminal Investigation Activities</i>		Describes the investigative authority of the U.S. Army and provides guidelines for determining if an Army interest exists in a given criminal offense.
Oct 90	AR 210-1, <i>Private Organizations on Department of the Army Installations and Official</i>	<p><b>2-5. PO [Private Organization] employment and membership practices</b></p> <p>a. POs will not be allowed to operate on DA installations if their employment practices discriminate based on-</p> <p>(1) Sex, age, religion, race, color, national origin, or marital status.</p> <p>(2) Lawful political affiliation.</p> <p>(3) Labor organization membership.</p>	

	<i>Participation in Private Organizations</i>	<p>(4) Physical handicaps.</p> <p>b. POs will not discriminate in membership on the basis of race, color, sex, national origin, or religion.</p> <p>c. The installation commander may approve the operation of certain POs that restrict membership to one sex. One or more of the following must apply-</p> <p>(1) The PO's purpose is philanthropic and, by tradition, its membership has been of one sex.</p> <p>(2) The PO's purpose and function is to benefit one sex, and its membership is composed of that sex. (Examples are scouting organizations or women's and men's sports associations.)</p> <p>(3) The PO has a specific purpose and function that restricts membership to one sex, but also has a counterpart organization with the same purpose and function. (Examples are women's and men's sports clubs, women's and men's civic associations, and boy and girl scouting organizations.)</p>	
May 90	AR 210-50, <i>Housing Management</i>	<p><b>1-14. General policies</b></p> <p>f. Housing will be provided on a non-discriminatory, equal opportunity basis regardless of race, color, religion, national origin, gender, age, or disability.</p> <p><b>Chapter 6 Housing Referral Service</b></p> <p><b>Section III Housing Discrimination Complaints</b> [discusses equal opportunity in off-post housing program].</p>	
Sep 95	AR 215-1, <i>Nonappropriated Fund Instrumentalities and Morale, Welfare, and Recreation Activities</i>	<p><b>7-33. Nondiscrimination</b></p> <p>MWR activities do not discriminate on the basis of race, color, religion, sex, age, national origin, marital status, political affiliation, or physical handicap. A NAFI may not be affiliated by membership, dues or non-dues paying, with any private sector recreational, trade, or professional association that practices discrimination in any form. No MWR facility or activity will be made available to any organization that practices discrimination nor will any NAFI use the land, facilities, or services of such organizations.</p> <p><b>8-11. Entertainment, commercial</b></p> <p>Performers, shows, or acts that are known to have given offense to any racial, ethnic, or religious group, or entertainers who are attired in a manner that may offend members of the audience are not booked. Female topless and female and male bottomless entertainment is prohibited.</p>	
Jul 85	AR 340-21, <i>The Army Privacy Program</i>	<p><b>1-5. Policy</b></p> <p>b. Collect only the personal information about an individual that is legally authorized and necessary to support Army operations. Disclose this information only as authorized by the Privacy Act and this regulation.</p> <p><b>3-2. Blanket routine use disclosure</b></p> <p>c. <i>Disclosure of requested information.</i> If the information is relevant and necessary to the requesting agency's decision, a record may be disclosed to a Federal agency in response to its request in connection with-</p>	

		<p>(1) Hiring or retention of an employee.</p> <p>(2) Issuance of a security clearance.</p> <p>(3) Reporting of an investigation of an employee.</p> <p><b>4-5. First amendment rights</b></p> <p>No record describing how an individual exercises rights guaranteed by the first amendment will be kept unless expressly authorized by Federal statute, by the subject individual, or unless pertinent to and within the scope of an authorized law enforcement activity. Exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and the right of assembly and to petition.</p>																
Aug 81 w/ c1 Aug 83	AR 350-1, <i>Army Training</i>	<p><b>4-6. CMT [Common military training] categories</b></p> <p>a. <i>Program (P).</i> Program training applies to the majority of soldiers and is conducted in a structured manner as follows:</p> <p>(1) [T]raining base (resident training) is conducted in accordance with an approved Program of Instruction.</p> <p>(2) [T]raining in units is conducted on a continuing or cyclical basis.</p> <p>c. <i>Refresher ( R).</i> Refresher training is used when periodic or recurring emphasis is required. This type of training depends on the local situation and the commander's assessment of need. In some instances, refresher training is needed to reinforce or review important skills or knowledge acquired during initial entry training. In other cases, it is training designed to support unit cohesion, discipline, and morale. <i>Refresher training frequency is left to the commander's discretion.</i></p> <p>e. <i>Awareness (A).</i> Awareness training can be accomplished by briefings or orientations. . . . <i>How and when this training is conducted is discretionary and depends on the commander's evaluation of need.</i></p> <p><b>Table 4-1 Common Military Training</b></p> <table><tr><td>Subject</td><td>AR</td><td>Proponent</td><td>Enlisted</td><td>Officer</td></tr><tr><td>Equal Opportunity</td><td>600-21</td><td>DCSPER</td><td>R</td><td>R</td></tr><tr><td>Moral &amp; Ethics Dev.</td><td>600-30</td><td>CC</td><td>A</td><td>A</td></tr></table>	Subject	AR	Proponent	Enlisted	Officer	Equal Opportunity	600-21	DCSPER	R	R	Moral & Ethics Dev.	600-30	CC	A	A	<p>Guidance differs from AR 600-20. AR 600-20 requires unit EO training twice a year. AR 350-1 leaves frequency of EO training up to the commander.</p> <p>Program training in schools. Awareness training in schools.</p>
Subject	AR	Proponent	Enlisted	Officer														
Equal Opportunity	600-21	DCSPER	R	R														
Moral & Ethics Dev.	600-30	CC	A	A														
Mar 93	AR 350-41, <i>Training in Units</i>	<p><b>B-3. CMT codes and examples</b></p> <p>b.(1) <i>Program (P) training code.</i> Program training applies to the majority of soldiers and is conducted in a structured manner as follows:</p> <p>(a) [T]raining in schools is programmed.</p> <p>(b) [T]raining in units is conducted on a continuing or cyclical basis.</p> <p>(9) <i>Refresher ( R) training code.</i> Refresher training is used when periodic or recurring emphasis is required. . . . In other cases, refresher training is designed to support unit cohesion, discipline and morale. The lack of any of these three factors can adversely affect the command climate and unit readiness and, therefore, mission accomplishment. . . . Refresher training frequency is left to the commander's discretion.</p> <p>(11) <i>Awareness (A) training code.</i> Awareness training . . . can be</p>	<p>Guidance differs from AR 600-20. AR 600-20 requires unit EO training twice a year. AR 350-41 requires refresher training on EO and sexual harassment, but leaves frequency of training up to the commander.</p>															

		<p>accomplished by briefings or orientations. . . . How and when this training is conducted is discretionary and depends on the commander's evaluation of need.</p> <p><b>Table B-1 Common military training in units</b></p> <table><tr><td>Subject</td><td>AR</td><td>Proponent</td><td>Enlisted</td><td>Officer</td></tr><tr><td>EO/Sex Harass</td><td>600-20</td><td>DCSPER</td><td>R</td><td>R</td></tr></table> <p><b>Legend</b> R--Refresher</p> <p><b>Table B-2 Common training in Army Schools</b></p> <table><tr><td>Subject</td><td>AR</td><td>B</td><td>A</td><td>P</td><td>Bn</td><td>An</td><td>S</td><td>F</td><td>Ob</td><td>Oa</td><td>C</td></tr><tr><td>Cg</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>EO/Sex Harass</td><td>600-20</td><td>P</td><td></td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>A</td><td>A</td><td>A</td></tr><tr><td>Standards of Conduct</td><td>600-50</td><td>P</td><td></td><td></td><td></td><td></td><td>R</td><td>R</td><td>P</td><td></td><td>R</td></tr></table> <p><b>Legend</b> B--BCT/OSUT, A--AIT/OSUT, P--PLDC, Bn--BNCOC, An--ANCOC, S--SMC, F--Functional, Ob--OBC/WOCS, Oa--OAC/SWOT, C--CAS<sup>3</sup>, Cg--CGSC/MWOT</p>	Subject	AR	Proponent	Enlisted	Officer	EO/Sex Harass	600-20	DCSPER	R	R	Subject	AR	B	A	P	Bn	An	S	F	Ob	Oa	C	Cg												EO/Sex Harass	600-20	P		P	P	P	P	P	A	A	A	Standards of Conduct	600-50	P					R	R	P		R	
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Oct 89	AR 360-81, <i>Command Information Program</i>	<p>2-12.I.(2) The masthead for CE [civilian enterprise] publications that have advertising will also contain the following statements:</p> <p>(a) "Everything advertised in this publication shall be made available for purchase, use or patronage without regard to race, color, religion, sex, national origin, age, marital status, physical handicap, political affiliation, or any other non merit factor of the purchaser, user or patron."</p>																																																											
Jul 95	AR 600-8-24, <i>Officer Transfers and Discharges</i>	<p><b>Chapter 4 Eliminations</b></p> <p><b>4-1. Overview</b></p> <p>c. An officer who has his or her security clearance withdrawn or withheld due to unfavorable information regarding loyalty, subversion, or security may be processed for involuntary separation according to AR 604-10.</p> <p><b>4-2. Reasons for Elimination</b></p> <p>While not all inclusive, when one of the following or similar conditions exist, elimination action may be or will be initiated as indicated below for-</p> <p>a. Substandard performance of duty.</p> <p>b. Misconduct, moral or professional dereliction, or in the interest of national security.</p> <p>(5) Acts of personal misconduct (including but not limited to acts committed while in a drunken or drug intoxicated state).</p> <p>(8) Conduct unbecoming an officer.</p> <p>(13) Failure to respond in a reasonable length of time to rehabilitative efforts regarding repeated acts of child/spouse maltreatment or abuse and/or acts of family violence.</p>																																																											
Mar 92	AR 600-13, <i>Army Policy for the Assignment of Female Soldiers</i>	<p><b>1-12. Overall policy for the female soldier</b></p> <p>a. The Army's assignment policy for female soldiers allows women to serve in any officer or enlisted specialty or position except in those specialties, positions, or units (battalion size or smaller) which are assigned a routine</p>																																																											



		<p>mission to engage in direct combat, or which collocate routinely with units assigned a direct combat mission.</p> <p>c. Female soldiers will be provided full and equal opportunity to pursue careers in the military and will be assigned to all skills and positions according to the above policy.</p> <p>2-2.b. The following two codes will be used to classify positions:</p> <p>(1) P1 will indicate those positions to which women may not be assigned.</p> <p>(2) P2 (open to women) will be used for all other positions.</p> <p>2-3.b. Procedures for classifying positions under DCPC [Direct Combat Position Coding] will be accomplished as follows.</p> <p>(1) Positions will be coded closed (P1) only if-</p> <p>(a) The specialty or position requires routine engagement in direct combat.</p> <p>(b) The position is in a battalion or smaller size unit that has a mission of routine engagement in direct combat.</p> <p>(c) The position is in a unit that routinely collocates with battalion or smaller size units assigned a mission to engage in direct combat.</p> <p>(d) The position is in a portion of a unit that routinely collocates with a battalion or smaller size unit having a direct combat mission.</p> <p>(2) Positions will be coded open (P2) if they do not meet the criteria of a closed (P1) position as defined above.</p>	
Mar 88 w/c4 Sep 93	AR 600-20, <i>Army Command Policy</i>	<p><b>2-1. Chain of Command</b></p> <p>b. Commanders are responsible for everything their command does or fails to do.</p> <p>d. Soldiers have a responsibility to ensure their unit commander is made aware of problems which affect the discipline, morale, and effectiveness of the unit.</p> <p><b>4-4. Soldier Conduct</b></p> <p>a. Ensuring the proper conduct of soldiers is a function of command. Commanders rely upon all leaders in the Army, whether they are on or off duty or in a leave status, to-</p> <p>(2) Take action against military personnel in any case where the soldier's conduct violates good order and military discipline.</p> <p><b>6-3. Equal opportunity policy</b></p> <p>6-3.a.(2) Extends to soldiers, civilian employees, and their families.</p> <p>b. The following are exceptions to a totally nonbiased personnel management process:</p> <p>(1) The assignment and utilization of female soldiers. (AR 600-13, Army Policy for the Assignment of Female Soldiers, prescribes policies, procedures, responsibilities, and the position coding system for female soldiers.)</p> <p>(2) Support for established equal opportunity goals, such as to increase representation of a particular group in one or more monitored area(s) of affirmative action plans.</p>	Undergoing revision.

		<p><b>6-5. Chain of command responsibilities</b>  The chain of command, whether military or civilian, has the primary responsibility for developing and sustaining a healthy EO climate. This responsibility entails, but is not limited to, promoting positive programs that enhance unit cohesion, esprit, and morale; communicating matters with EO significance to unit personnel and higher headquarters; correcting discriminatory practices by conducting rapid, objective, and impartial inquiries to resolve complaints of discrimination; encouraging the surfacing of problems and preventing reprisal for those who complain; and taking appropriate action against those who violate Army policy.</p> <p><b>6-6. Staffing</b>  6-6.c. The principal EOA will have direct access to the supported commander at all times and that commander will be either the EOA's rater or senior rater.  6-6.e. <i>Roles and duties of EOAs.</i>  (1) Receiving and assisting in processing individual complaints of discrimination and sexual harassment.</p> <p><b>6-8. Procedures for processing complaints of discrimination</b>  <i>a. Individual rights.</i> Soldiers and their family members have the right to--  (1) Present a complaint to the command without fear of intimidation, reprisal, or harassment;  (2) Communicate with the commander concerning their complaints;  <i>b. Individual responsibilities.</i> Individuals have the responsibility to --  (1) Attempt to resolve a complaint by first informing the alleged offender that the behavior must stop. (Depending upon the severity of the offense, this may not always be plausible);  (2) Advise the command of the specifics of sexual harassment and discrimination complaints and provide the command an opportunity to take appropriate action to rectify/resolve the issue; and  (3) Submit only legitimate complaints and exercise caution against unfounded or reckless charges.  <i>c.(1) Informal complaints.</i>  <i>c.(2) Formal complaints.</i>  6-8.f.(2) The unit commander will conduct an inquiry to determine if sufficient evidence exists to warrant a full investigation. . . . Should such evidence exist, the commander must refer the case to the battalion- or brigade-level commander for the appointment of an AR 15-6 investigating officer.  (3) The EOA will review and comment on the findings of the investigation to ensure compliance with DoD/DA policies and objectives.  <i>h.</i> An EOA's skills in complaint handling and conflict resolution and training in the subtleties of discrimination and sexual harassment enable him or her to advise the commander or any investigating officer.</p>	
Dec 86	AR 600-37,	<b>Chapter 3 Unfavorable Information in Official Personnel Files</b>	

w/ c1 Oct 94	<i>Unfavorable Information</i>	<b>3-4. Filing of nonpunitive administrative letters of reprimand, admonition, or censure in official personnel files</b>	
Sep 93	AR 600-100, <i>Army Leadership</i>	<p>1-8.a.(4) <i>Integrity</i>. This is the thread woven through the fabric of the professional Army ethic. Integrity means honesty, uprightness, the avoidance of deception and steadfast adherence to standards of behavior.</p> <p><b>Chapter 2 Responsibilities</b></p> <p><b>2-1. General</b></p> <p>a. All leaders are responsible for:</p> <p>(1) Accomplishing the unit's mission.</p> <p>(2) Ensuring subordinates welfare to include physical, moral, personal, and professional well-being.</p> <p>(4) Setting and exemplifying the highest professional and ethical standards.</p> <p>(13) Treating subordinates with dignity, respect, fairness and consistency.</p> <p>b.(2) Senior level leaders promote Army values by establishing and maintaining the command climate of their organizations through sound, ethical organizational policies and practices. . . . Senior leaders must consider individual perceptions and their effects in establishing and maintaining a healthy command climate.</p> <p>b.(3) Leaders at the direct level affect values and behavior by establishing day-to-day procedures, practices and working norms, by their personal example, and by building discipline, cohesion, motivation, consistency, and fair play. . . . The values leaders personally practice have a major impact in determining unit and organizational value systems.</p>	
Jul 84 w/ c15 Sep 90	AR 600-200, <i>Enlisted Personnel Management System</i>	<p><b>Chapter 7 Section II Advancement to Pay Grades E-2, E-3, E-4</b></p> <p>7-13.i. [B]oards may only be used for soldiers who need a time in service waiver.</p> <p>(2) The board will include voting members of minority ethnic groups. The board will also include at least one voting member of the same sex as those being considered, if available.</p> <p><b>Section III Promotion to Pay Grades E-5 and E-6</b></p> <p>7-19.a.(5) [T]he board will be comprised of at least one voting member of the same sex as those being considered.</p> <p>(6) [W]ill appoint members of minority ethnic groups . . . even though the board may not be considering soldiers of minority ethnic groups. No specific number or ratio of these soldiers will be on any given board; however, the board will not be comprised of all minority ethnic group members.</p> <p><b>Section IV Promotion to Pay Grades E-7, E-8, E-9</b></p> <p><b>7-38. Selection boards</b></p> <p>a. <i>Composition</i>. . . . Female officers and enlisted women will be routinely appointed to serve as members of the board. . . . Minority ethnic group representation will be routinely provided.</p>	
Mar 92	AR 601-1,	<b>2-4. Selection criteria</b>	

	<i>Assignment of Enlisted Personnel to the U. S. Army Recruiting Command</i>	<p>a. To qualify for selection as a U.S. Army recruiter, either as a volunteer or as a DA selected recruiter, a soldier must-</p> <p>(20) Never have had action taken (including proceedings under the provisions of Article 15, Uniform Code of Military Justice) . . . by any authority for-</p> <p>(b) Any offense that involves moral turpitude, regardless of sentence received. (No waiver authorized.)</p>	
Feb 95	AR 601-210, <i>Regular Army and Army Reserve Enlistment Program</i>	<p><b>2-10. Moral and administrative criteria</b></p> <p>a. <i>Applicant Interview.</i> Recruiter will interview applicant on any records of arrest, charges, juvenile court adjudications, traffic violations, probation periods, dismissed or pending charges or convictions.</p> <p>(1) If applicant claims none, processing may continue without a police records check.</p> <p>(3) If applicant admits to an offense, or recruiter has reasons to suspect applicant may be concealing a record, start police records check procedures.</p> <p>b. <i>Police Clearance.</i></p> <p>e. <i>Delay of police reply.</i> If reply from police authorities is not received within 21 days, a copy of the DD Form 369 request will be forwarded to the [battalion] whose area includes the city in question. [Battalion] commander will exert every effort to obtain police clearance and return results to requesting recruiting station. If efforts to obtain information fail, process allegation as self-admitted offense.</p> <p>i. <i>Police records check not required.</i> If law enforcement agency states, in writing, that it will not provide information or that a fee is required and copy of that statement is maintained in recruiting battalions, police records check will not be required. DD Form 369 will contain reference to that written statement. The form will be forwarded with enlistment packet.</p> <p><b>4-24. Nonwaiver medical, moral, and administrative disqualifications</b></p> <p>The following are disqualifications that cannot be waived:</p> <p>c. Questionable moral character.</p> <p>f. Sexual perversion.</p> <p>h. History of antisocial behavior.</p> <p><b>Chapter 6 MEPS Processing Phase</b></p> <p><b>Section II Guidance Counselor Processing Phase</b></p> <p>6-5.c. Specifically, question applicant on existence of juvenile and youthful offender records. Explains thoroughly to each applicant the Army policy that adjudication as a youthful offender or juvenile delinquent by a State, or disposition by Federal juvenile authorities, will not prevent enlistment if applicant is otherwise eligible.</p>	
Apr 86	AR 601-270, <i>Military Entrance Processing Station</i>	<p><b>Chapter 6 Operating Procedures</b></p> <p><b>6-5. MEPS preenlistment interview</b></p> <p>MEPS will interview applicants (before the Oath of Enlistment is</p>	

	(MEPS)	<p>administered) for the purpose of assisting recruiting activities. . . . Any additional information obtained from applicants which may have a bearing on their qualification for military service will be furnished to the appropriate MEPS examining officer . . . for resolution. Specific interview requirements and procedures will be established by the Commander, USMEPCOM, in coordination with recruiting Service commanders.</p> <p><b>Chapter 9 Processing of Selective Service System Registrants</b></p> <p><i>Note:</i> This chapter will be implemented upon direction of Headquarters, Department of the Army.</p> <p><b>9-15. Initial Screening</b></p> <p>Registrants are unacceptable when their record of convictions or adverse juvenile adjudications reflects frequent difficulties with law enforcement agencies, criminal tendencies, a history of antisocial behavior, alcoholism, drug abuse, sexual misconduct, or questionable moral character.</p>	
Sep 95	AR 601-280, <i>Army Retention Program</i>	<p><b>1-8. Authority to act on retention actions</b></p> <p><i>f.</i> In those cases where a soldier is fully qualified for retention but his commander believes it is not in the best interest of the Army for the soldier to continue to serve (but a Bar to Reenlistment is not warranted), the commander may forward the soldier's request for reenlistment or extension through command channels to the first Colonel or higher in the soldier's chain of command. . . . If denial of the requested action is supported, the commander will provide his or her comments, attached as an endorsement . . . through the servicing senior Career Counselor to the Commander, PERSCOM. . . . The Commander, PERSCOM, may, on a case-by-case basis, deny reenlistment and/or extension to any soldier who does not have a statutory entitlement to reenlist. . . . Any commander who is a commissioned officer in the soldier's chain of command may stop the process for denial and approve the soldier's request.</p> <p><b>3-9. Moral and Administrative Disqualifications</b></p> <p><b>8-2. Standards for Reenlistment</b></p> <p><i>a.</i> Only soldiers of high moral character, personal competence, and demonstrated adaptability to the requirements of the professional soldier's moral code will be reenlisted in the Active Army.</p> <p><b>8-4. Criteria</b></p> <p><i>d. Soldiers against whom a Bar to Reenlistment may be initiated.</i></p> <p>(13) Cannot adapt to military life; uncooperative; involved in frequent difficulties with fellow soldiers.</p> <p>(15) Causes trouble in the civilian community.</p> <p>(17) Personal behavior brings discredit upon his unit or the Army.</p> <p><b>8-5. Procedures</b></p> <p><i>a.(2)</i> A Bar to Reenlistment should not be based on generalities, approximate dates, vague places or time. It should be based on specific incidents substantiated by official remarks made at the time of each occurrence.</p>	

		The soldier should be counseled on each occurrence and told that all instances are made matter of official record when acts considered unworthy of the U.S. Army are performed.	
Jun 95	AR 611-101, <i>Commissioned Officer Classification System</i>	<p><b>1-14. Female officer designation/utilization</b></p> <p>a. It is the current Army policy that female officers may be designated in any branch or functional area except Infantry (11), Armor (12), Special Forces (18), and all other AOCs except Cannon Field Artillery (13E) and SHORAD Artillery (14B).</p> <p>b. Female officers may be designated in all other branch and functional area AOCs, but will not be assigned to positions coded with Direct Combat Position Coding (DCPC) P1; for example, to Mechanized Infantry.</p>	
Jun 95	AR 611-201, <i>Career Management Fields and Military Occupational Specialty</i>	<p><b>1-11. Military Occupational Specialty (MOS) physical demands analysis and ratings</b></p> <p>f. Pending publication of an Army Regulation outlining proponent responsibilities and methodology for assessing physical demands, the procedures outlined in appendix G, Women in the Army Policy Review, ODCSPER, DA 12 November 1982 will be used by proponents to prepare the . . . (Physical Demands Analysis Worksheet).</p> <p><b>Chapter 4 MOS, SQI and ASI Not Available to Women Soldiers</b></p> <p><b>4-1. General</b></p> <p>The Direct Combat Probability Coding Policy determines where women may serve. Women may not serve in units or in positions in units that would routinely require them to perform in direct combat.</p> <p><b>4-2. MOS, SQI and ASI closed to women</b></p> <p>The Army has recognized the high probability that soldiers classified in some MOS and SQI will routinely engage in direct combat. Therefore, SQI "G" Ranger, SQI "V" Ranger-Parachutist, and the MOS listed in Table 4-1 are closed for accession or reclassification of female soldiers.</p>	
Jul 84 w/ c15 Sep 90	AR 614-200, <i>Selection of Enlisted Soldiers for Training and Assignment</i>	<p>1-5.n. The direct combat probability coding (DCPC) policy determines positions in which women may serve. Under DCPC women may not be assigned to positions coded P1 on TO&amp;E. The P1 positions have the highest probability of routine participation in direct combat. DCPC of positions is visible only on TO&amp;E, male only. Identify codes on MTOE should correctly correlate to P1 codes on TO&amp;E. Women may be assigned to all other positions.</p> <p>1-5.v. Soldiers will be given equal assignment opportunity without regard to race, color, age, religion, national origin, marital status, or whether or not they will be accompanied by their spouses. Martial status or the employment, educational, or volunteer activities of the spouse will not be considered in the selection of a soldier for PCS or duty assignments.</p> <p><b>Chapter 8 Section II Drill Sergeant Program</b></p> <p><b>8-17. Selection criteria</b></p>	

		<p><i>d.</i> Have no record of emotional instability as determined by screening of health records.</p> <p><i>g.</i> Have no record of disciplinary action . . . during current enlistment or in last 3 years, whichever is longer.</p> <p><b>8-20. Relief from drill sergeant candidate status or drill sergeant duties.</b></p> <p><i>a.</i>(1) Failure to maintain high standards of military appearance, military courtesy, bearing, conduct, and/or professionalism.</p> <p><i>a.</i>(3) Infractions of training policies or violations of the UCMJ.</p> <p><i>k.</i> When a serious incident occurs that requires an investigation to clarify the issues, commanders will relieve the drill sergeant from assigned duties and temporarily suspend special duty assignment pay, pending completion of the investigation. Mere occurrence of an incident or the conduct of an investigation is not intended to be a basis for relief from the program.</p>	
Jul 84 w/ c15 Jun 96	AR 635-200, <i>Enlisted Personnel</i>	<p><b>Chapter 1 General Provisions</b></p> <p><b>1-1. Purpose and scope</b></p> <p><i>b.</i> The separation policies in this regulation promote the readiness of the Army by providing an orderly means to-</p> <p>(1) Judge the suitability of persons to serve in the Army on the basis of their conduct and their ability to meet required standards of duty performance and discipline.</p> <p><b>Chapter 13 Separation for Unsatisfactory Performance</b></p> <p><b>13-2. Criteria</b></p> <p><i>a.</i> Commanders will separate a soldier for unsatisfactory performance when it is clearly established that-</p> <p>(3) The seriousness of the circumstances is such that the soldier's retention would have an adverse impact on military discipline, good order, and morale, and</p> <p>(4) It is likely that the soldier will be a disruptive influence in present or future duty assignments, and</p> <p>(5) It is likely that the circumstances forming the basis for initiation of separation proceedings will continue or recur, and</p> <p>(6) The ability of the soldier to perform duties effectively in the future, including potential for advancement or leadership, is unlikely.</p> <p><b>Chapter 14 Section III Acts or Patterns of Misconduct</b></p> <p><i>14-12.b. A pattern of misconduct.</i></p> <p>(2) Conduct prejudicial to good order and discipline. Discreditable conduct and conduct prejudicial to good order and discipline includes conduct violative of the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.</p>	
Sep 92	AR 670-1, <i>Wear and Appearance of</i>	<p><b>1-7. Personal appearance policies</b></p> <p><i>a. General.</i> The Army is a uniformed service where discipline is judged, in</p>	

	<i>Army Uniforms and Insignia</i>	part, by the manner in which the individual wears the uniform as prescribed. <b>26-28. Umbrellas, black (female only)</b> <i>c. How worn.</i> Female personnel may carry an umbrella when wearing the service, dress, and mess uniforms. The umbrella may not be carried when wearing field or utility uniforms.	
Dec 86	DA Pam 165-15, <i>Moral Leadership/ Values: Responsibility and Loyalty</i>	2-18.a. Moral ownership has become an integral part of the life of our soldiers. Each and every soldier is charged with this obligation. A lack of this attribute causes unit and personal disintegration.	
Aug 93 w/ c1 Jun 94	DA Pam 350-20, <i>Unit Equal Opportunity Training Guide</i>	Lesson plans include: The Army's Equal Opportunity Program, Duties and Responsibilities of Equal Opportunity Leaders, Cultural Issues Related to Equal Opportunity, Prevention of Sexual Harassment, Discrimination, Uniform Code of Military Justice Implications of the Equal Opportunity Program, Enforcement of Equal Opportunity Policies, Implementation of the Equal Opportunity Program, Leadership Issues Related to Cultural Diversity, Techniques for Equal Opportunity Assessment, Equal Opportunity Action Plan, The Affirmative Action Plan, Techniques for Equal Opportunity Training, Identification of Current Army Equal Opportunity Issues, Techniques to Champion the Equal Opportunity Program. <b>Lesson Plan 14 Identification of Current Army Equal Opportunity Issues</b> Racial and cultural differences Sexual harassment Women in military service	Proponent to revise this guide after release of new AR 600-20. This publication provides unit leaders with standardized lesson plans for a variety of EO subjects.
Oct 94	DA Pam 350-58, <i>Leader Development for America's Army, The Enduring Legacy</i>	Behavior refers to actions or reactions to specific situations based on attitude, beliefs, and values. Unlike attitudes, behavior is easily measured and influenced through positive and negative reinforcement. (p. 3)	
May 90	DA Pam 600-26, <i>Department of the Army Affirmative Action Plan</i>	<b>1-4. Objective</b> <i>a.</i> The thrust of the Army EO Program continues to be, "to firmly embed the equal opportunity function within the Army's leadership framework." Fairness, justice, and equity for all soldiers, regardless of race, color, ethnicity, gender, or religion are obligations of leadership and functions of command. <i>c.</i> The AAP must direct affirmative actions in support of Army policy that will provide equal opportunity and treatment for all soldiers regardless of race, color, gender, religion, or national origin. It must reflect the high priority afforded these important tasks and the commitment of the Army to achieve its objective.	
Dec 93	DA Pam 600-35, <i>Relationships Between Soldiers</i>	<b>1-1. Purpose.</b> This pamphlet explains the policy on soldier relationships contained in AR 600-200, paragraphs 4-14 through 4-16. 1-4.c. Professional soldiers consider some relationships, like social	



	<i>of Different Ranks</i>	<p>relationships in a training environment or involving the chain of command, as having so much potential for abuse or having such a damaging effect on morale or discipline that these are consistently held to be improper.</p> <p>e. The current policy was first published as a change to AR 600-20, in 1978. The Women's Army Corps disbanded and female soldiers were integrated into the Army in greater numbers, serving in positions not previously filled by women. Women began to associate with their male counterparts in integrated units. Female soldiers often no longer had direct tutelage, mentoring and disciplining by senior women officers and noncommissioned officers. The manner in which relationships between male and female soldiers had been regulated changed.</p> <p>1-5.b. Soldiers must remain aware that relationships between soldiers of different rank may lead to perceptions of favoritism or influence. The appearance of impropriety can be as damaging to morale and discipline as actual misconduct.</p>	
Apr 85	DA Pam 600-50, White Paper, <i>"Leadership Makes the Difference"</i>	<p>Caring means much more than a cursory interest in others. It means sincere involvement in helping to find solutions to problems and improving welfare. Caring means setting examples of moral and professional excellence in order to inspire the subordinate to new heights. It means talking with and listening to subordinates, not simply talking at them; doing something about hardships or problems, not paying lip service to them; teaching individuals by counseling, not by abusing them. Caring means fostering a command climate where people are challenged, where they feel their contributions make a difference, and where they feel good about themselves and the Army they serve. Caring and leading go together. You can't have one without the other! (p. 8)</p>	
Jul 86	DA Pam 600-66-85, <i>Leadership in Action</i>		
Oct 86	DA Pam 600-69, <i>Unit Climate Profile Commander's Handbook</i>		
Jun 87	DA Pam 600-80, <i>Executive Leadership</i>	<p>The young people who join the Army and each of the other Services come with their own hopes and expectations. The commitment of a human resources program is to these young people, but it is also to their parents, families, and communities. These young people are the nation's most valuable resource for the future. Their service may span a single enlistment or an entire career. If, during that time, they learn fairness and justice, if their experience has led to growth in skills and maturity -- then the Army will have fulfilled a most important obligation to society. This is a contribution to nation-building in the truest sense, and is fundamental to defending the Constitution -- not by arms alone.</p> <p>The Army's current leaders have focused attention on this obligation in the stated values of recruiting themes. Society's view of whether or not the</p>	

		obligation is fulfilled will be determined, in large part, by the perceptions of “reality” at the operating level, as seen by serving sons and daughters. (pp. 43-44)	
Jul 90	FM 22-100, <i>Military Leadership</i>	<p>Leaders must guard against the natural peacetime tendency to use “efficient” centralized methods of training and “zero defects” approaches to day-to-day operations. (p. vii)</p> <p>As a leader, you are responsible for understanding and directly transmitting the Army’s values to your soldiers. . . . Since the Army’s purpose is to protect the nation and its values, the Army’s ethic must be consistent with national will and values. (p. 22)</p> <p>Beliefs are assumptions or convictions you hold as true about some thing, concept, or person. (p. 22)</p> <p>Values are attitudes about the worth or importance of people, concepts, or things. (p. 23)</p> <p>Norms are the rules or laws normally based on agreed-upon beliefs and values that members of a group follow to live in harmony. (p. 24)</p>	
Jun 85	FM 22-101, <i>Leadership Counseling</i>		
Mar 87	FM 22-102, <i>Soldier Team Development</i>	<p>A mature soldier develops physically, socially, emotionally, and spiritually. Physical fitness and development provide the stamina necessary for sustained action and intense stress. Social maturity provides the willingness to work with others in cohesive teams. Emotional maturity gives stability to deal with the stress of combat. Spiritual maturity gives the soldier hope and purpose to face the dangers and uncertainty of combat. (p. 3)</p> <p>Research has shown that during IET, values that enhance teamwork become more important while values that reflect individual accomplishment become less important. IET begins to instill team values, and the process continues as the soldier moves from unit to unit. (p. 18)</p> <p>Teaching such values is not an attempt to drastically change the soldier. . . . If soldiers are going to become productive team members, they must begin to share the values that enhance team performance. (pp. 18-19)</p> <p>These values will become the <i>standards</i> of the unit. Standards are those principles or rules by which behaviors and tasks are measured as successfully accomplished. . . . Soldiers will measure other soldiers by it. It gradually becomes a <i>criterion</i> for acceptance into the team. (p. 19)</p> <p>When members of a squad, section, or platoon share these values and adhere to the standards that flow from them, they are a more cohesive team. (p. 19)</p>	
Jun 87	FM 22-103, <i>Leadership and</i>		

	<i>Command at Senior Levels</i>		
Jun 94	FM 100-1, <i>The Army</i>	<p><b>The Army Ethos</b> The Army ethos, the guiding beliefs, standards and ideals that characterize and motivate the Army, is succinctly described in one word--<b>DUTY</b>. <b>Duty</b> is behavior required by moral obligation, demanded by custom, or enjoined by feelings of rightness. . . . It requires the impartial administration of standards without regard to friendship, personality, rank, or other bias. (pp. 5-7)</p> <p><b>Compassion</b> is basic respect for the dignity of each individual; treating all with dignity and respect. It is the personification of the "Golden Rule," treat others as you want them to treat you. (p. 9)</p> <p><b>The American Soldier</b> American soldiers come from a wide range of cultural backgrounds. Upon entering the military service, they are called upon to adapt their individual values to those of the military profession. (p. 10)</p>	
Oct 94	STP 21-1-SMCT, <i>Soldier's Manual of Common Tasks, Skill Level 1</i>		
Oct 92	STP 21-24-SMCT, <i>Soldier's Manual of Common Tasks, Skill Levels 2-4</i>		
May 90	STP 21-I-MQS, <i>Military Qualification Standards I, Manual of Common Tasks (Precommissioning Requirements)</i>		
Jan 91	STP 21-II-MQS, <i>Military Qualification Standards II, Manual of Common Tasks for Lieutenants and Captains</i>	<p><b>Lieutenants Leadership</b> <b>S1-9001.10-0002 Explain the Professional Army Ethic Standards.</b> Describe the process of internalizing values. <b>Description.</b></p> <p>1. Compliance with a specific value occurs when a soldier behaves in a particular manner based solely on anticipated reward or punishment. Compliance requires the actual or imminent presence of the leader. The statement, "I don't cheat because I may get caught," is an example of compliance.</p> <p>2. Identification with a value set occurs when a soldier acts in accordance with the value set of the group in order to become a full member of the group</p>	

		<p>rather than to avoid punishment. The statement, "I will not cheat on the rifle range because 1st Platoon does not cheat on the rifle range and I am a member of 1st Platoon," reflects a group value a soldier adheres to in order to be an accepted member.</p> <p>3. Internalization occurs when a soldier adopts the group's value set as his own. The soldier believes in the values and acts accordingly in any circumstance. The soldier's behavior persists regardless of the situation. "I don't cheat because it is wrong to cheat," is an example of internalization.</p> <p><b>Soldier and Unit Support System</b>  <b>S3-0010.00-0014 Implement Equal Opportunity at Unit Level</b>  <b>ENABLING LEARNING OBJECTIVES</b></p> <p><b>Action 1.</b> Describe the purpose, policy, procedures, and key terms associated with the EO program and sexual harassment (SH) at the unit level.</p> <p><b>Action 2.</b> Identify the legal implications of adverse EO behavior as a person or leader.</p> <p><b>Action 3.</b> Analyze situations with indicators of positive and negative EO and SH behavior. Recommend platoon and equivalent level actions.</p>	
Jun 93	STP 21-III-MQS, <i>Military Qualification Standards III, Leader Development Manual for Majors and Lieutenant Colonels</i>		
May 86	TC 22-9-1, <i>Leader Development Program, Military Professionalism (Platoon/Squad Instruction)</i>	<p>Chapters include <b>Professional Commitment, Honesty in the Military, Physical and Moral Courage, Professional Competence, Rules of War.</b></p> <p>Army leaders must not only be technically and tactically competent, they must commit themselves to the highest standards of ethical conduct. They must understand the values of the professional soldier and model them in their daily lives. Only in this way will they earn the trust, confidence, and respect of their subordinates and fellow soldiers. (p. iii).</p>	<p>Military ethics.  Teaches Army standards and values.</p>
May 86	TC 22-9-2, <i>Leader Development Program, Military Professionalism (Company/Battery Instruction)</i>	<p>Chapters include <b>Introduction to Military Professional Ethics, Ethical Reasoning, Ethical Behavior in War, Leadership, and Command Climate.</b></p> <p>Every organization . . . has only a finite amount of energy to expend to accomplish its mission. That energy can be wasted or enhanced. In a unit with a positive healthy climate, that energy is, or can be, more than the sum total of the energy of its members. . . . But the energy of an organization can be wasted as well. If you are forced to expend energy looking over your shoulder, preparing to cover yourself for some inspection, building a wall of numbers and statistics to look good, you will have little energy left to teach your soldiers, be innovative, or accomplish your mission. (pp. 60-61)</p>	<p>Military ethics  Teaches Army standards and values.</p>

May 86	TC 22-9-3, <i>Leader Development Program, Military Professionalism (Battalion Instruction)</i>	<p>Chapters include <b>Loyalty and Professional Commitment, Integrity and Personal Responsibility, Institutional Pressures, Command Climate.</b></p> <p>Many of our ethical conflicts in peacetime occur because we have some members of the profession who forget that the real test occurs on the battlefield. Everything we do must be geared to preparing for combat. And that includes our ethics. . . . Our values of fairness and of concern for the individual are supported by our national values, but they also contribute to unit loyalty and cohesiveness. Military values originate and command our adherence primarily because they are useful. They create standards of behavior that members of a professional Army need if we are to fight and win. . . . And that is the only reason we are here.</p>	Military ethics. Teaches Army standards and values.
Oct 94	TC 26-6, <i>Commander's Equal Opportunity Handbook</i>	<p><b>Chapter 1: The Army's Equal Opportunity Program</b></p> <p>Effective human relations and equal opportunity are both moral and operational imperatives for our Army. Just as a poor safety program will threaten a unit's readiness, so too will real or perceived acts of unequal treatment. . . . The chain of command's challenge is to provide effective leadership which promotes a command climate that fosters equal opportunity to enhance unit cohesion and mission accomplishment. . . . People who work in an atmosphere free of dissension and sexual harassment, and one containing a strong sense of equal opportunity, are more productive and team oriented. . . . A healthy EO environment is a key factor in developing readiness. Army readiness begins with people. The advanced technology and modernization efforts would fail if leaders lost the sincere and dynamic commitment to the total well-being of the Army Family. (p. 1-1)</p> <p><b>Chapter 2: Equal Opportunity Duties of Unit Leaders</b></p> <p>The Army's Equal Opportunity program requires a team effort. To make the program effective, the unit commander and other unit leaders must take a positive, proactive approach in carrying out their EO duties and responsibilities. (p. 2-1)</p> <p>Commanders are strongly encouraged to conduct a unit climate and needs assessment within 90 days of assuming command and once annually thereafter. The assessments should have three objectives. The first objective should provide you with an assessment of how well your unit has implemented the Army's EO program. The second objective of the assessment area will provide you with information on your soldier's perceptions about EO, gender, sexual harassment, and other human relation concerns. Finally, you should be able to ascertain and identify the direction and scope of future training to include topic areas and target audiences. (p. 2-2)</p> <p>As a commander you are responsible for ensuring that soldiers under your command receive EO training at least twice a year. EO training should be incorporated as part of the unit's overall training plan. Whenever possible EO issues should be integrated with other appropriate subject areas. EO training</p>	

		<p>will be documented on the unit's training schedule and on a memorandum which contains the names of instructors or facilitators who conducted the training, roster of attendees, date, time, and length of session, and major topics covered in the session. Commanders at brigade level and above are required to provide EO training for senior NCOs, field grade officers, and senior DA civilians. (p. 2-3)</p> <p>EO training, just like other unit training, should be planned and presented as an integral part of the unit's training program. From time to time a commander may conduct EO training in response to a unit incident. However, if the incident was isolated or its severity affected only a few unit members, then the timing may not be right for everyone to receive training. If timing for the training is not considered, it may only be perceived as a form of mass punishment. (p. 2-5)</p> <p><b>Chapter 3: Leadership Issues Related to Cultural Diversity</b></p> <p><b>Chapter 4: Prevention of Sexual Harassment</b></p> <p><b>Chapter 5: Equal Opportunity Complaint Process</b></p> <p><b>Chapter 6: Equal Opportunity Climate Assessment</b></p> <p><b>Chapter 7: Intervention and Action Planning</b></p>	
Dec 88	TC 26-10, <i>The Leader Transition</i>	<p><b>Preface.</b> When an organization, unit, or staff section becomes aware of a pending change of leadership, its overall efficiency may be reduced for as much as three to six months. . . . The reduced efficiency may continue because personnel are unable to anticipate the new leader's priorities and plan for activities that he [she] considers important.</p>	No mention of command climate assessment.



## **ANNEX H**

### **EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM**

#### ***Overview***

The EEO Program, which covers Department of the Army (DA) civilian employees, differs significantly from the equal opportunity (EO) program, which covers military personnel. While philosophically the two programs share the same goals and objectives, their policies and practices are different. The programs are guided by separate laws and regulations, and the roles and mission of the equal opportunity advisor (EOA) and the EEO officer differ with regard to the respective programs.

Department of Defense (DoD) and Army policies, directives, and regulations outline the procedures and remedies for addressing discrimination and harassment complaints by soldiers. On the other hand, the Army must conform with the Equal Employment Opportunity Commission (EEOC) regulations in implementing the civilian complaints program. The EEOC is the federal agency with oversight responsibility and enforcement activities relating to EEO for federal employees and applicants for employment.

#### ***Complaints Process***

Federal employees or applicants for employment who file complaints of discrimination, to include sexual harassment complaints, must follow set procedures with specified time limits. An employee's first step in filing a complaint is to contact an EEO counselor. The EEO counselor conducts an inquiry to obtain that information necessary to reach an informal resolution of the person's allegations.

If the complaint is not resolved, the EEO counselor is required to notify the employee, in writing, of the right to file a formal complaint. The complainant may file a formal written complaint with the EEO office. The agency may reject or dismiss a complaint, in whole or in part; for example, a complaint may be rejected because it is untimely, not within the purview of governing laws and regulations, is duplicative, or not against the proper agency. If the agency rejects or dismisses the complaint in whole or in part, the complainant may appeal immediately to the EEOC's Office of Federal Operations. If the complaint is accepted, in the Army, it is forwarded to the Office of Complaints Investigation, a DoD agency, for investigation.

The complainant may request a final agency decision (FAD) based on the record or, in some cases, request a hearing and recommended decision from an EEOC administrative judge (AJ). The agency may accept, reject, or modify the findings and conclusions of the AJ in issuing its FAD. The complainant has the right to appeal the



FAD to the EEOC or to file a civil action in federal court. Soldiers who are not satisfied with the Army's handling of an EO complaint have no such legally protected right to a review by federal court.

If the Army or EEOC finds that a civilian employee was the subject of unlawful discrimination, then the complainant is "made whole." That is, the complainant must be placed in as good a position as he or she would have been in the absence of discrimination. Remedial actions include such things as nondiscriminatory placement, back pay, fees and costs, and compensatory damages.

### ***EEO Officers***

EEO officers are responsible for advising the commander on all matters relating to EEO. They develop, coordinate, and evaluate the affirmative action programs for minorities and women and special emphasis programs; manage and operate the complaints system; supervise and train EEO office staff and counselors; and conduct training for the work force.

### ***EEO Training***

Equal employment opportunity is included in the supervisory training required for new supervisors, both military and civilian, of civilian employees. The training consists of a supervisory development correspondence course and the on-site Leadership Education and Development Course (LEAD). The supervisory development course includes instruction on a supervisor's responsibilities in EEO, complaints processing, and civilian personnel management.

At the installation level, training for managers and supervisors may include affirmative employment responsibilities, the EEO complaints program, alternate dispute resolution, diversity, and other EEO related topics. This on-site training is generally conducted by the installation EEO officer or office staff. The quality of the training provided varies by installation.

### ***Prevention of Sexual Harassment Training***

Army guidance is that there should be annual training in the prevention of sexual harassment (POSH) for civilian employees and their supervisors, both military and civilian. Training consists of a basic and a refresher course conducted at the local level by course managers who have successfully completed a three-day certification program.

The objectives of the course are to ensure that participants can identify sex role stereotyping, define sex discrimination, define and recognize sexual harassment, state the legal bases prohibiting sexual harassment, and identify potential situations and recognize who has responsibility for dealing with the incident. Supervisors receive help

in counseling employees on required behavior standards. Employees learn avenues of redress for dealing with sexual harassment and are given help in responding assertively to inappropriate behavior.

## **SENIOR REVIEW PANEL ASSESSMENT OF THE CIVILIAN WORK FORCE**

The Panel's research efforts included only a limited sampling of DA civilians. The Panel's intent was to ascertain the perspective of civilian employees on the human relations environment in the Active Army. Civilian employees participated in the study through focus groups and individual interviews. A total of 1,007 civilian employees<sup>1</sup> participated in civilian focus group sessions, and the Panel interviewed 20 civilian managers and 34 EEO officers<sup>2</sup>.

As noted elsewhere in this report, based on the limited numbers of civilian employees interviews and surveys conducted, the general conclusions expressed herein should be viewed as areas of concern meriting further review and clarification by the Army.

### ***Focus Group Comments***

While the Panel was principally concerned with sexual harassment in the Active Army, civilian employees were asked whether they had witnessed or experienced sexual harassment in the last 12 months, and whether they felt that they could report any discrimination or harassment without fear of reprisal. Approximately one fifth of the female responses and one tenth of the male responses indicated that they had experienced sexual harassment. Almost one half of the focus group comments by both men and women indicated that they would report sexual harassment. Only a few women expressed a fear of reprisal; however, they said that would not dissuade them from reporting sexual harassment.

In response to the question as to whether they had received POSH training in the last 12 months, most male participants and many female participants indicated that they had. Many of the comments from both men and women indicated that the training was effective in helping them recognize sexually-harassing behavior.

### ***Interview Comments***

Interviews were conducted with civilian supervisors and managers at grade levels GS-12 through GS-15. Questions included whether senior level management support EEO; how the interview participants support EEO in their organizations; and steps the participants take to prevent sexual harassment in the workplace. Generally,

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<sup>1</sup> The DA civilian population is approximately 200,000.

<sup>2</sup> The Army has 185 EEO officers.

the supervisors and managers said that senior level management at their particular locations support EEO principles. When the participants were asked what steps they themselves take to ensure that sexual harassment does not occur in their organizations, they said that they talk with employees about the issue of sexual harassment, hold meetings with subordinates to discuss Army policy, monitor the workplace, and have modified their own behavior.

Of the thirty-three EEO officers and one EEO assistant interviewed, most believe that both top management and lower-level managers and supervisors support EEO principles. Most of the EEO officers said that they believe the chain of command at their locations took quick corrective action to deal with sexual harassment and that the action taken was effective.

### ***Other Areas of Concern***

#### ***♦ Misunderstanding and perceived double standards applied toward civilian employees by military supervisors and peers.***

Frequent focus group and individual interview comments from both men and women concern relationships between civilian employees and military personnel, especially military supervisors. The significant differences in the military and civilian personnel systems are not always well understood by either military or civilian personnel. As a result, these differences can become the basis for misunderstandings and a perceived double standard in the treatment of military and civilian personnel. As one focus group participant said, "Civilians are not viewed as equals. You could answer the question, but they look for green suiters to ask instead." Another participant said, "There is partiality among the military. They tolerate more things from military personnel than they would from civilians. You don't feel part of the team." Many focus group participants expressed their perceptions that military supervisors treat their military subordinates more favorably than similarly situated civilian employees. If left unremedied, the general lack of communication and understanding between civilian and military personnel has the potential to be a serious problem.

#### ***♦ Inadequate/insufficient training***

Training of the civilian work force in the prevention of sexual harassment is not being conducted in a timely manner at some locations nor is it being tracked to ensure that supervisors and managers receive the training. Some civilian supervisors and EEO personnel believe the training is required only when an employee changes jobs and then only at the request of the first level supervisor. Few installations have a mechanism to monitor and evaluate the training.

Supervisory training in its current form is not adequate for new supervisors and, in many cases, military supervisors of civilian employees do not take the required courses.

♦ ***Evaluation of EEO program and EEO climate.***

Oversight of the EEO program is an important management function and must be accomplished formally in order to ensure a proactive approach to the human relations environment for the civilian work force. EEO program evaluation/review is conducted in conjunction with regularly scheduled civilian personnel management surveys or one-time special studies, EEO climate assessments, or inspector general (IG) inspections.

Civilian personnel management surveys typically focus on work force profile, management support and program administration, and advisory and communication services. These core elements are designed to measure the effectiveness of commanders, managers, supervisors, and EEO and other civilian personnel officials in accomplishing their respective responsibilities for administering a local EEO program. Information to evaluate the program is obtained from on-site visits and questionnaire responses.

Whereas EEO climate assessments are usually conducted at the request of a local commander, DAIG inspections are at the discretion of the Army leadership. Although somewhat similar in scope to civilian personnel management surveys, climate assessments are more focused on the perceptions of the work force. Employee sensing sessions, questionnaires, and statistical and narrative reports are components of this process. While these tools are available, their discretionary application has led to their usage almost exclusively in reaction to a problem rather than as a preventive tool.

♦ ***Some EEO offices are understaffed and/or staffed with personnel inadequately trained in EEO.***

Some EEO officers are not proactive in their EEO responsibilities nor are they conducting proper internal evaluations of their programs. Reductions in EEO staff have placed many EEO staffs in reactive modes as installations face downsizing, reductions in force, consolidations, and base closures. Just as with the reduction of EOA positions for the Active Army, similar reductions are taking their toll on some EEO offices. The Army must review its resourcing levels for EEO offices.

***Conclusion***

This is by no means a thorough review of EEO in the Army for the reasons previously stated, and these observations need to be validated. They are, however, concerns of the Panel and are thus included in this report. Headquarters, Department or the Army should delve into these concerns to determine the best course of action for each.

# ANNEX I

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